

EXHIBIT 2

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 KRISTINA MIKHAYLOVA, - - - :
4 :
5 Plaintiff, :
6 :
7 vs. :Case No. 19-8927
8 :
9 BLOOMINGDALE'S INC., et al., :
10 :
11 Defendant(s). :
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9 REMOTE videoconference deposition of
10 RICHARD LAW, held via videoconference on Monday,
11 December 5, 2022, beginning at approximately
12 10:14 a.m., before Robin A. Vance, CCR, RPR, and
13 Notary Public for the States of New Jersey,
14 Delaware and Pennsylvania.
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1 A P P E A R A N C E S:

2 (PARTICIPANTS WERE PRESENT VIA REMOTE VIDEOCONFERENCE)

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Trinity Harris - Video Tech

I N D E X

WITNESS	PAGE
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RICHARD LAW	
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BY MS. MENDOZA	5, 173
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BY MS. TIERNEY	167, 177
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EXHIBITS

No.	DESCRIPTION	PAGE
-----	-------------	------

Exhibit-A	Chanel Handbag Policy	51
-----------	-----------------------	----

Exhibit-B	Text messages	56
-----------	---------------	----

Exhibit-C	Transcript excerpt from deposition of Cathy Younis	66
-----------	--	----

Exhibit-D	Grievance	74
-----------	-----------	----

Exhibit-E	Standards of Conduct	89
-----------	----------------------	----

Exhibit-F	Various Documents	101
-----------	-------------------	-----

Exhibit-G	E-mail chain	117
-----------	--------------	-----

Exhibit-H	Investigative Summaries	127
-----------	-------------------------	-----

Exhibit-I	E-mail dated 11/3/2017	139
-----------	------------------------	-----

Exhibit-J	Case details	143
-----------	--------------	-----

Exhibit-K	Complaint	146
-----------	-----------	-----

Exhibit-L	Grievance form	156
-----------	----------------	-----

Exhibit-M	E-mail retention policy	159
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REQUEST FOR PRODUCTION:

By Ms. Mendoza: Page 79, 122

<p style="text-align: right;">Page 4</p> <p>(It is agreed by and between counsel that certification and sealing are hereby waived; all objections, except as to the form of the questions, are reserved until the time of trial.)</p> <p>COURT REPORTER: The attorneys participating in this proceeding acknowledge that I am not physically present with the witness and that I will be reporting this proceeding remotely. They further acknowledge that, in lieu of an oath administered in person, the witness will verbally declare that his testimony in this matter is under penalty of perjury. The parties and their counsel consent to this arrangement and waive any objections at this time.</p> <p>Counsel also acknowledges and agrees that the official transcript is solely the one transcribed by the court reporter.</p> <p>Counsel, please indicate your agreement by stating your name and your agreement on the record beginning with Plaintiff's counsel.</p>	<p style="text-align: right;">Page 6</p> <p>know her by name?</p> <p>A. I know her by name because we both worked together at Bloomingdale's several years ago. I think it was 2016, 2017.</p> <p>Q. Okay. And for purposes of today's deposition, I will be asking questions regarding Kristina Mikhaylova's employment at Bloomingdale's during that time period, 2016 to 2017. Unless I state otherwise, I will be referring to that time period. Okay?</p> <p>A. Okay.</p> <p>Q. All right.</p> <p>MS. TIERNEY: Now, Melissa, just to save me from making objections because this has come up in other depositions, any questions you ask, just for clarity, are '16, '17, correct?</p> <p>MS. MENDOZA: Correct.</p> <p>MS. TIERNEY: Okay.</p> <p>MS. MENDOZA: Correct.</p> <p>MS. TIERNEY: So I'm not going to object and I assume that I can preserve any objections other than -- I mean, I'm not going to object based on time like I have in other cases.</p>
<p style="text-align: right;">Page 5</p> <p>- - -</p> <p>MS. MENDOZA: Melissa Mendoza from Derek Smith Law Group and I agree.</p> <p>MS. TIERNEY: Betty Tierney. I am pro hoc and I represent the defendants in this matter and I agree.</p> <p>MR. GERBER: Steve Gerber and I also agree.</p> <p>- - -</p> <p>RICHARD LAW, having been duly sworn, was examined and testified as follows:</p> <p>- - -</p> <p>EXAMINATION</p> <p>- - -</p> <p>BY MS. MENDOZA:</p> <p>Q. Good morning, Mr. Law.</p> <p>A. Good morning.</p> <p>Q. As we've already been introduced, I am the attorney for the Plaintiff in this case, Kristina Mikhaylova. And you know Kristina Mikhaylova, correct?</p> <p>A. I only know her by name. I do not recall meeting her in person.</p> <p>Q. Oh, okay. And where -- how do you</p>	<p style="text-align: right;">Page 7</p> <p>MS. MENDOZA: Okay.</p> <p>MS. TIERNEY: I just want to be clear that that's what we're talking about.</p> <p>MS. MENDOZA: Okay.</p> <p>BY MS. MENDOZA:</p> <p>Q. And have you ever had your deposition taken before?</p> <p>A. I had to give testimony in a grand jury for a criminal matter.</p> <p>Q. Okay. And -- well, I'm just going go over a few round rules before I get started with my other questions. And just want -- just to let you know that this is -- well, you are aware that you're under oath, correct?</p> <p>A. Yes.</p> <p>Q. And so even though this is an informal setting, it is as if we were in front of a judge or a jury. You understand that, correct?</p> <p>A. Yes.</p> <p>Q. Okay. And since the court reporter is taking down everything that we say, it is important that you respond with verbal responses, not nodding of the head or anything like that, so that she can take down your responses.</p>

<p>Page 8</p> <p>1 Understood?</p> <p>2 A. Yes.</p> <p>3 Q. And also, I ask that you just wait</p> <p>4 until I'm done asking the question before you</p> <p>5 respond so that we're not speaking over one</p> <p>6 another, and I will try and do the same. Okay?</p> <p>7 A. Yes.</p> <p>8 Q. All right. And please, if you do not</p> <p>9 understand any of my questions, I'm more than</p> <p>10 happy to rephrase it. Just ask me and I will</p> <p>11 continue rephrasing it. Okay?</p> <p>12 A. Yes.</p> <p>13 Q. And are you aware of any reason that</p> <p>14 might impair or prevent you from truthfully</p> <p>15 answering my questions today?</p> <p>16 A. No.</p> <p>17 Q. Okay. Do you suffer from any</p> <p>18 condition, either mental or physical, that might</p> <p>19 impair your ability to truthfully answer my</p> <p>20 questions today?</p> <p>21 A. No.</p> <p>22 Q. Okay. And have you taken any</p> <p>23 prescription medication or otherwise in the last</p> <p>24 24 hours?</p> <p>25 A. No.</p>	<p>Page 10</p> <p>1 A. Off the top of my head, there were</p> <p>2 various documents. There was an employee</p> <p>3 handbook, discount policy, EEO policy. Several</p> <p>4 different AP investigation documents. Some</p> <p>5 transaction receipts. And I think there might</p> <p>6 have been one or two more off the top of my head</p> <p>7 I can't recall.</p> <p>8 Q. Okay. And when did you review these</p> <p>9 documents?</p> <p>10 A. Within the past few days.</p> <p>11 Q. Okay. And when was the last time you</p> <p>12 saw those documents, if you hadn't seen them</p> <p>13 before?</p> <p>14 A. Probably last night.</p> <p>15 Q. But before you saw them?</p> <p>16 A. Oh, before, I apologize. It was</p> <p>17 probably when I was still employed at</p> <p>18 Bloomingdale's back in 2016, 2017.</p> <p>19 Q. Okay. All right. Did you read any</p> <p>20 transcripts, deposition transcripts, that have</p> <p>21 been taken in this case already?</p> <p>22 A. I have not read any transcripts.</p> <p>23 Q. Okay. Did you speak with anyone else</p> <p>24 besides your lawyer, your lawyers, regarding</p> <p>25 today's deposition?</p>
<p>Page 9</p> <p>1 Q. Were you supposed to take any</p> <p>2 prescription medication or otherwise in the last</p> <p>3 24 hours and you did not?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And will that affect your</p> <p>6 ability to respond to my questions today?</p> <p>7 A. I do not believe so.</p> <p>8 Q. Okay. And are you being represented</p> <p>9 today?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. And by whom?</p> <p>12 A. Betty Tierney and Steve Gerber.</p> <p>13 Q. Okay. And if you need to take a break</p> <p>14 at all, I'm more than happy with that, just let</p> <p>15 me know. And I just ask that you please answer</p> <p>16 the last question that was asked and then you can</p> <p>17 take a break. Okay?</p> <p>18 A. Yes.</p> <p>19 Q. All right. And so, how did you</p> <p>20 prepare for today's deposition? But don't tell</p> <p>21 me any conversations that you had with your</p> <p>22 attorney.</p> <p>23 A. I reviewed documents and spoke with my</p> <p>24 attorney.</p> <p>25 Q. Okay. What documents did you review?</p>	<p>Page 11</p> <p>1 A. No.</p> <p>2 Q. Okay. And have you ever been a</p> <p>3 plaintiff in a case?</p> <p>4 A. No.</p> <p>5 Q. Have you ever been a defendant?</p> <p>6 A. No.</p> <p>7 Q. Have you ever been convicted or pled</p> <p>8 guilty to any crime other than a minor traffic</p> <p>9 violation?</p> <p>10 A. No.</p> <p>11 Q. And do you go by any other names</p> <p>12 besides Richard?</p> <p>13 A. I typically go by Richard.</p> <p>14 Q. Do you go by any other names?</p> <p>15 A. Sometimes Rich, but generally not any</p> <p>16 other name.</p> <p>17 Q. Okay. Do you have any other last</p> <p>18 name?</p> <p>19 A. No.</p> <p>20 Q. Okay. And where do you live?</p> <p>21 A. In New York, on Long Island.</p> <p>22 Q. Did you attend high school?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. Where did you attend high</p> <p>25 school?</p>

<p>Page 12</p> <p>1 A. Deer Park High School.</p> <p>2 Q. Is that in New York?</p> <p>3 A. Yes, it is.</p> <p>4 Q. And did you attend college?</p> <p>5 A. Yes.</p> <p>6 Q. Did you graduate?</p> <p>7 A. Yes.</p> <p>8 Q. And did you -- what degrees did you</p> <p>9 get?</p> <p>10 A. So I have a few different degrees. I</p> <p>11 have a bachelor's degree and I have two different</p> <p>12 master's degrees.</p> <p>13 Q. Okay. And what are those degrees in?</p> <p>14 A. The bachelor's degree is in economics.</p> <p>15 One master's degree is in business administration</p> <p>16 and the other master's degree is in human</p> <p>17 resources management.</p> <p>18 Q. Okay. And besides your masters, did</p> <p>19 you take any other educational courses?</p> <p>20 A. I took a certificate program in</p> <p>21 project management.</p> <p>22 Q. Okay. And where was that?</p> <p>23 A. Stony Brook university.</p> <p>24 Q. Okay. And who is your current</p> <p>25 employer?</p>	<p>Page 14</p> <p>1 Tinbite Yonas.</p> <p>2 Q. Okay. And what was your position at</p> <p>3 Bloomingdale's?</p> <p>4 A. Human resources manager.</p> <p>5 Q. Is that what you interviewed for?</p> <p>6 A. No, I initially interviewed for a</p> <p>7 lower level position and then was asked about my</p> <p>8 interest in this particular role.</p> <p>9 Q. Okay. And so did you start with</p> <p>10 that -- the HR manager position?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And was that your ending</p> <p>13 position as well?</p> <p>14 A. Yes.</p> <p>15 Q. Where did you work before</p> <p>16 Bloomingdale's?</p> <p>17 A. All the places I've worked or</p> <p>18 immediately preceding?</p> <p>19 Q. Immediately preceding and then we'll</p> <p>20 work backwards.</p> <p>21 A. So that might have been Macy's.</p> <p>22 Q. Okay. And when did you start working</p> <p>23 for Macy's?</p> <p>24 A. I want to say in 2009, probably</p> <p>25 Octoberish.</p>
<p>Page 13</p> <p>1 A. I do not have a current employer.</p> <p>2 Q. Are you retired?</p> <p>3 A. No.</p> <p>4 Q. And who was your last employer?</p> <p>5 A. Bloomingdale's.</p> <p>6 Q. And when was your last date of</p> <p>7 employment?</p> <p>8 A. It was the very end of 2017 in</p> <p>9 December.</p> <p>10 Q. Were you terminated?</p> <p>11 A. No, I left voluntarily.</p> <p>12 Q. Why did you leave?</p> <p>13 A. Personal matters.</p> <p>14 Q. Personal as in family?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. And when did you start working</p> <p>17 at Bloomingdale's?</p> <p>18 A. I believe it was June of 2016.</p> <p>19 Q. Did you receive any disciplinary</p> <p>20 action while you were at Bloomingdale's?</p> <p>21 A. No.</p> <p>22 Q. Did you receive a review?</p> <p>23 A. Not that I recall.</p> <p>24 Q. Who was your supervisor?</p> <p>25 A. Initially, Michelle Ronquillo and then</p>	<p>Page 15</p> <p>1 Q. Okay. And then why did you leave</p> <p>2 Macy's?</p> <p>3 A. To attend full time graduate school.</p> <p>4 Q. And when did you leave Macy's?</p> <p>5 A. I want to say January of 2011.</p> <p>6 Q. So between 2011 and 2016 you did not</p> <p>7 work?</p> <p>8 A. I may have had some quote-unquote</p> <p>9 contract type jobs, I don't recall specifically,</p> <p>10 but it was not that I recall with a -- like, a</p> <p>11 named organization.</p> <p>12 Q. Okay. And what was your position at</p> <p>13 Macy's?</p> <p>14 A. The official title was administrative</p> <p>15 support team associate.</p> <p>16 Q. Okay. And what department did that</p> <p>17 fall under?</p> <p>18 A. That fell under, I guess it was either</p> <p>19 human resources or office management.</p> <p>20 Q. Okay. And did you receive any</p> <p>21 disciplinary action while you were at Macy's?</p> <p>22 A. No, I did not.</p> <p>23 Q. Okay. And where did you work before</p> <p>24 Macy's?</p> <p>25 A. So before Macy's, I think it might</p>

<p>Page 16</p> <p>1 have been OfficeMax.</p> <p>2 Q. Okay. Do you recall the years that</p> <p>3 you started and ended?</p> <p>4 A. I want to say 2002, 2003.</p> <p>5 Q. Okay. So between 2003 and 2011, where</p> <p>6 did you work?</p> <p>7 MS. TIERNEY: Objection. I think</p> <p>8 you meant 2009, didn't you, Melissa?</p> <p>9 MS. MENDOZA: My apologies, 2009.</p> <p>10 THE WITNESS: Off the top of my</p> <p>11 head, I don't believe I did work.</p> <p>12 BY MS. MENDOZA:</p> <p>13 Q. Okay. And at OfficeMax, what was your</p> <p>14 position?</p> <p>15 A. I was a product manager.</p> <p>16 Q. Okay. So going back to Bloomingdale's</p> <p>17 now, if you can explain a little bit about the</p> <p>18 position, the HR manager position, what your</p> <p>19 duties and responsibilities were?</p> <p>20 A. Sure. So, I was part of a team of</p> <p>21 human resources executives and staff in the 59th</p> <p>22 Street location. My role consisted primarily of</p> <p>23 what I'm going to call the day-to-day</p> <p>24 administrative operational aspect of HR as well</p> <p>25 as employee relations.</p>	<p>Page 18</p> <p>1 discrimination?</p> <p>2 A. Can you clarify what you mean by</p> <p>3 "discrimination"?</p> <p>4 Q. Does -- okay. Does Bloomingdale's</p> <p>5 have a discrimination policy?</p> <p>6 A. I believe they do, yes.</p> <p>7 Q. Okay. And do you recall what that</p> <p>8 policy is?</p> <p>9 A. Broadly speaking, I think it involves</p> <p>10 some form of zero tolerance for, like, verbal</p> <p>11 comments based on things such as religion, sexual</p> <p>12 orientation, marital status, and other protected</p> <p>13 classes.</p> <p>14 Q. Okay. And so if someone has a</p> <p>15 complaint of discrimination, who are they</p> <p>16 supposed to report it to?</p> <p>17 A. There were several different avenues</p> <p>18 that they could report it to. Not in any</p> <p>19 particular order, they could report it to their</p> <p>20 supervisor or manager; they could report it to</p> <p>21 human resources; or I believe there were two or</p> <p>22 three different 800 numbers they could report it</p> <p>23 to.</p> <p>24 Q. Okay. And did you conduct those</p> <p>25 investigations?</p>
<p>Page 17</p> <p>1 Q. Okay. And what type of training did</p> <p>2 you take for that position?</p> <p>3 A. So, training for that position</p> <p>4 probably would have been my master's degree as</p> <p>5 well as, I guess, day-to-day training and some</p> <p>6 computer-based training when I first started.</p> <p>7 Q. Okay. And you're saying</p> <p>8 computer-based because was -- were the company's</p> <p>9 employees files on software?</p> <p>10 MS. TIERNEY: Object to the form.</p> <p>11 You may answer.</p> <p>12 THE WITNESS: Um, so if I</p> <p>13 understand your question correctly, how</p> <p>14 was I trained? And that would have been</p> <p>15 through programs via computer</p> <p>16 applications.</p> <p>17 BY MS. MENDOZA:</p> <p>18 Q. Okay. But was it for Bloomingdale's</p> <p>19 specific, what was it -- withdrawn.</p> <p>20 What was it for?</p> <p>21 A. So this training encompassed a bunch</p> <p>22 of, from what I recall, things such as how to</p> <p>23 conduct investigations. There were a few others.</p> <p>24 I don't recall specifically.</p> <p>25 Q. Okay. Did you handle complaints of</p>	<p>Page 19</p> <p>1 A. Depending upon the type of</p> <p>2 investigation and whether it fell within my</p> <p>3 purview, yes.</p> <p>4 Q. Okay. And what was that</p> <p>5 investigation?</p> <p>6 MS. TIERNEY: Objection to the</p> <p>7 form. You can answer.</p> <p>8 THE WITNESS: Can you clarify what</p> <p>9 you mean by that?</p> <p>10 BY MS. MENDOZA:</p> <p>11 Q. What did that investigation entail?</p> <p>12 What did those investigations entail?</p> <p>13 A. Those investigations could have</p> <p>14 entailed anything from, as I tried to explain</p> <p>15 earlier, discrimination, harassment, and</p> <p>16 basically things along that nature.</p> <p>17 Q. Okay. Did you get witness testimony?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And how did you make a</p> <p>20 decision, determination if there was</p> <p>21 discrimination?</p> <p>22 A. Based upon testimony from the</p> <p>23 complainant, the accused, and witnesses, putting</p> <p>24 facts together, seeing if they made sense, and</p> <p>25 making determination from there.</p>

<p>Page 20</p> <p>1 Q. Okay. And did you look at any 2 cameras, any videos?</p> <p>3 A. Depending upon the situations, yes, 4 there might have been video footage, there might 5 have been other documentation such as 6 transactions.</p> <p>7 Q. Okay. And did you document these 8 investigations?</p> <p>9 A. I believe I did.</p> <p>10 Q. And where did you store these 11 documents?</p> <p>12 A. Probably would have been in a folder 13 in my office.</p> <p>14 Q. Okay. And did you have to give a 15 report to anyone?</p> <p>16 A. So, sometimes I believe I gave a 17 verbal report to my supervisor and other times it 18 might have been a quick write-up.</p> <p>19 Q. Okay. And were there any findings of 20 discrimination that you found?</p> <p>21 MS. TIERNEY: Object to the form. 22 You can answer.</p> <p>23 THE WITNESS: Not that I recall 24 specifically.</p> <p>25 BY MS. MENDOZA:</p>	<p>Page 22</p> <p>1 Q. Okay. And what was the outcome of 2 that?</p> <p>3 A. The outcome -- the outcome of that was 4 that after the various testimony from the 5 witnesses and all parties involved, that there 6 was no discrimination or hostile work 7 environment.</p> <p>8 Q. Okay. And was anything done for the 9 complainant?</p> <p>10 MS. TIERNEY: Object to the form. 11 You can answer.</p> <p>12 THE WITNESS: I believe the 13 complainant was spoken to that an 14 investigation had been conducted, but we 15 were not able to substantiate his claim.</p> <p>16 BY MS. MENDOZA: 17 Q. Were any of Bloomingdale's policies 18 changed after that investigation?</p> <p>19 A. During the time that I was there, I do 20 not believe so.</p> <p>21 Q. Okay. Was there another complaint of 22 discrimination or hostile work environment?</p> <p>23 A. There may have been, but I don't 24 recall specifically.</p> <p>25 Q. Okay. And were there any complaints</p>
<p>Page 21</p> <p>1 Q. In general?</p> <p>2 MS. TIERNEY: Objection to the 3 form. You can answer.</p> <p>4 THE WITNESS: I do not believe so.</p> <p>5 BY MS. MENDOZA: 6 Q. Okay. Were there any complaints of 7 discrimination?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. How many?</p> <p>10 A. I do not know the number off the top 11 of my head, but there were several.</p> <p>12 Q. And what were they for?</p> <p>13 A. Are --</p> <p>14 MS. TIERNEY: Object to the form. 15 You can answer.</p> <p>16 MS. MENDOZA: I'll be more 17 specific.</p> <p>18 BY MS. MENDOZA: 19 Q. What were they based on; for example, 20 sex, gender?</p> <p>21 A. So I'm going to use the term, 22 quote-unquote hostile work environment where 23 comments were made to an individual and this 24 individual alleged a hostile-type work 25 environment.</p>	<p>Page 23</p> <p>1 of pregnancy discrimination?</p> <p>2 A. Not that I was aware of.</p> <p>3 Q. Okay. And what about retaliation?</p> <p>4 A. Not that I was aware of.</p> <p>5 Q. And failure to accommodate?</p> <p>6 A. Not that I was aware of.</p> <p>7 Q. Okay. Were there any lawsuits for 8 discrimination made against Bloomingdale's while 9 you were there?</p> <p>10 A. Not that I was aware of.</p> <p>11 Q. Okay. And what about the same 12 question, but for retaliation?</p> <p>13 A. Again, not that I was aware of.</p> <p>14 Q. Okay. And same question for failure 15 to accommodate?</p> <p>16 A. Again, not that I was aware of.</p> <p>17 Q. Okay. Were you in charge of training 18 employees about -- withdrawn.</p> <p>19 Were you in charge of enforcing the 20 discrimination retaliation policies at 21 Bloomingdale's?</p> <p>22 MS. TIERNEY: I'm going to object 23 to the form. You can answer.</p> <p>24 THE WITNESS: So, if I understand 25 your question, was I the one that would</p>

<p>1 say, you know, no, you shouldn't be doing 2 this? Then my answer would be, I could 3 have been one of several individuals. 4 BY MS. MENDOZA: 5 Q. Okay. What department did that fall 6 under? 7 A. That probably would have fallen under 8 human resources. 9 Q. Okay. Did you supervise anyone? 10 A. I did not. 11 Q. So who were the other people that 12 enforced the discrimination policies? 13 A. It could have been one of several 14 different individuals. It could have been, not 15 in any particular order, Michelle Ronquillo, 16 Tinbite Yonas, Susan Wright, Steven Valecca (ph), 17 Raul Argaden (ph). And off the top of my head, I 18 think that might have been it. 19 Q. Okay. 20 A. And myself. 21 Q. Right. And so -- and they are all HR? 22 A. Yes, they were all HR executives like 23 myself. 24 Q. Okay. And when you're saying HR, 25 you're just speaking for 59th Street?</p>	<p>Page 24</p>	<p>1 Q. Okay. And when you -- can you 2 elaborate by what you mean by day-to-day 3 operations? 4 A. So day-to-day operations could be 5 things such as an employee having a question 6 about things like taking time off or -- or 7 questions about policies and things along those 8 nature. 9 Q. Okay. So they would come to you and 10 you would answer them about those questions? 11 A. Yes. 12 Q. Okay. Did you change any policies 13 while you were there? 14 A. I did not have the authority to change 15 any policies. 16 Q. Did you recommend any changes to 17 policies? 18 A. Not that I recall. 19 Q. Okay. And were any changes made, not 20 by you, but by HR while you were there? 21 MS. TIERNEY: Object to the form. 22 You can answer. 23 THE WITNESS: Not that I recall. 24 BY MS. MENDOZA: 25 Q. Okay. Did the 59th Street -- 59th</p>	<p>Page 26</p>
<p>1 A. That is correct. 2 Q. Okay. Did you report to corporate? 3 A. No. I reported to the senior 4 executive of HR at the 59th Street location. 5 Q. Okay. 6 A. And then -- I initially reported to 7 her and then I wound up reporting to Tinbite 8 Yonas. 9 Q. And what was her position or title? 10 A. Which one? 11 Q. Position first? 12 A. No, which person? 13 Q. Tinbite Yonas. 14 A. Her title was human resources 15 director. 16 Q. So what was the difference between 17 your position as manager versus hers as director? 18 A. I believe the difference was that I 19 focused more on day-to-day aspects and she 20 focused more on the talent management side of 21 things. 22 Q. Okay. By talent management, are you 23 talking about recruiting? 24 A. Not recruiting specifically, but more 25 so like succession planning for staff.</p>	<p>Page 25</p>	<p>1 Street -- withdrawn. 2 Did HR have an FMLA department? 3 A. I'm sorry, could you repeat that? 4 Q. Did HR have an FMLA department? 5 A. Are you referring to 59th Street 6 specifically? 7 Q. Yes. 8 A. No, I wouldn't say that there was a 9 specific FMLA department. 10 Q. Okay. Did you handle FMLA leave 11 requests? 12 A. So I facilitated interaction between 13 the Centers of Expertise for FMLA requests and 14 the 59th Street location, but I did not have 15 approval authority. 16 Q. Okay. So who did have approval 17 authority? 18 A. That would have been somewhere in the 19 Centers of Expertise. 20 Q. And is that not at 59th Street? 21 A. That is correct, it's not at 59th 22 Street. 23 Q. Is it corporate? 24 A. I would say it's probably corporate. 25 Q. Okay. And when you say -- so then did</p>	<p>Page 27</p>

<p>Page 28</p> <p>1 you submit requests to the Centers of Expertise?</p> <p>2 A. Sometimes if the employee came to me,</p> <p>3 yes. I, you know, prefer that they did it</p> <p>4 directly, but sometimes they came to me.</p> <p>5 Q. Okay. And if anyone wanted a medical</p> <p>6 accommodation, would they come to you?</p> <p>7 A. If the medical accommodation was</p> <p>8 approved through corporate, then yes.</p> <p>9 Q. So is the employee first supposed to</p> <p>10 make the accommodation request to corporate?</p> <p>11 A. I would say yes.</p> <p>12 Q. Okay. So let's say if an employee</p> <p>13 needs an accommodation, a medical accommodation,</p> <p>14 what are they supposed to do?</p> <p>15 A. From my recollection, they needed to</p> <p>16 provide medical documentation from their medical</p> <p>17 provider to corporate for corporate to review</p> <p>18 before any accommodation would be made.</p> <p>19 Q. Okay. And -- and so then they would</p> <p>20 make a determination whether or not to grant that</p> <p>21 accommodation, correct?</p> <p>22 A. They would make the determination on</p> <p>23 approving the overall request, but it also, I</p> <p>24 think, depended upon the nature of the request in</p> <p>25 terms of whether or not that was something that</p>	<p>Page 30</p> <p>1 A. Other than having what I'm going to</p> <p>2 call a -- a lactation room, I do not recall</p> <p>3 specific pregnancy accommodations.</p> <p>4 Q. Okay. And how did you come to the</p> <p>5 conclusion as to what accommodations could be</p> <p>6 given in the store?</p> <p>7 A. So that was in consultation with the</p> <p>8 department they worked in and the -- whatever</p> <p>9 those restrictions for the accommodation were,</p> <p>10 and whether or not that severely restricted their</p> <p>11 capabilities to perform the essential functions</p> <p>12 of the job.</p> <p>13 Q. Okay. So were the managers involved?</p> <p>14 A. I would say yes.</p> <p>15 Q. Okay. All right. And so do you</p> <p>16 recall the Asset Protection department at the</p> <p>17 59th Street location?</p> <p>18 A. So, yes, I recall that there was an</p> <p>19 Asset Protection department in the store.</p> <p>20 Q. Okay. And did you work with Asset</p> <p>21 Protection?</p> <p>22 MS. TIERNEY: Objection to form.</p> <p>23 You can answer.</p> <p>24 THE WITNESS: Yes, I did partner</p> <p>25 with the Asset Protection team.</p>
<p>Page 29</p> <p>1 we could actually request in the store --</p> <p>2 accommodate in the store.</p> <p>3 Q. Okay. And did you give any</p> <p>4 accommodations?</p> <p>5 A. I believe I did.</p> <p>6 Q. Okay. And what were those?</p> <p>7 MS. TIERNEY: Note my objection to</p> <p>8 form. You can answer, Richard.</p> <p>9 THE WITNESS: I don't recall the</p> <p>10 accommodations specifically, but I do</p> <p>11 recall that accommodations were made for</p> <p>12 different individuals. Okay, so I do</p> <p>13 recall one accommodation could have been</p> <p>14 for an individual who could only lift a</p> <p>15 certain amount of weight at any given</p> <p>16 time. And in discussions with that</p> <p>17 individual, we came to the agreement that</p> <p>18 the associate would self monitor the</p> <p>19 amount of weight they would lift at any</p> <p>20 one time and still be able to perform</p> <p>21 their functions satisfactorily.</p> <p>22 BY MS. MENDOZA:</p> <p>23 Q. Okay. And were there any</p> <p>24 accommodations given for pregnancy related</p> <p>25 conditions?</p>	<p>Page 31</p> <p>1 BY MS. MENDOZA:</p> <p>2 Q. Okay. And how did you work together?</p> <p>3 A. So, typically, if there was a</p> <p>4 situation that might need human resources</p> <p>5 involvement, I was contacted by Asset Protection.</p> <p>6 Q. Okay. What types of situations would</p> <p>7 involve HR?</p> <p>8 A. If they needed to potentially suspend</p> <p>9 somebody or if there were incidents of things</p> <p>10 such as fraud or theft, human resources might be</p> <p>11 contacted.</p> <p>12 Q. Okay. Was any of that documented?</p> <p>13 MS. TIERNEY: Object to the form.</p> <p>14 You can answer.</p> <p>15 THE WITNESS: Can you be a little</p> <p>16 bit more specific on that?</p> <p>17 BY MS. MENDOZA:</p> <p>18 Q. Yeah, so was your -- how you worked</p> <p>19 together, whether it was for fraud, theft,</p> <p>20 whatnot, was that all documented?</p> <p>21 A. It was documented in the sense of the</p> <p>22 Asset Protection investigation paperwork.</p> <p>23 Q. Okay. But did you have meetings or</p> <p>24 verbal conversations, e-mails?</p> <p>25 A. Yeah, so there could have been any of</p>

<p>1 those.</p> <p>2 Q. Okay. And who did you work with in</p> <p>3 Asset Protection?</p> <p>4 A. So I would have worked with a couple</p> <p>5 of different individuals. Names that I recall</p> <p>6 could have been Fred Becker, could have been</p> <p>7 Chris Castellani, could have been David Ray.</p> <p>8 There might be a few other individuals whose</p> <p>9 names I don't remember.</p> <p>10 Q. Okay. Did anyone have to -- or did --</p> <p>11 withdrawn.</p> <p>12 Did Asset Protection have to report</p> <p>13 to you their findings from their investigations?</p> <p>14 A. So, if it involved HR potential</p> <p>15 interaction, then yes.</p> <p>16 Q. Okay. Okay. And how did your</p> <p>17 department maintain employees' files?</p> <p>18 MS. TIERNEY: Object to the form.</p> <p>19 You can answer.</p> <p>20 THE WITNESS: I can't speak for the</p> <p>21 rest of the department. I usually kept</p> <p>22 files in, you know, folders. Or there</p> <p>23 might have been online folders.</p> <p>24 BY MS. MENDOZA:</p> <p>25 Q. Okay. So when you say folders, are</p>	<p>Page 32</p> <p>1 Q. So all -- you were supervising -- or</p> <p>2 you were overseeing essentially all of the 59th</p> <p>3 Street employees, correct, as HR?</p> <p>4 A. To a certain degree, yes.</p> <p>5 Q. Okay. So then for all of those</p> <p>6 employees, did you have to input information into</p> <p>7 some type of software for them?</p> <p>8 A. Generally speaking, no, unless there</p> <p>9 was some sort of action that I was a part of.</p> <p>10 Sometimes I would enter that information myself</p> <p>11 and other times it might be somebody else.</p> <p>12 Q. And do you recall what that</p> <p>13 application or software was?</p> <p>14 A. Off the top of my head, it could have</p> <p>15 been PeopleSoft.</p> <p>16 Q. Okay. Did you conduct annual reviews?</p> <p>17 A. No, I did not.</p> <p>18 Q. Okay. Who conducted those?</p> <p>19 A. My -- well, I believe it may have been</p> <p>20 either the employee's direct supervisor</p> <p>21 partnering with some of my HR colleagues.</p> <p>22 Q. Okay. And so did you keep track of</p> <p>23 employees' disciplinary files?</p> <p>24 A. I did not personally keep track of</p> <p>25 employees' disciplinary files.</p> <p>Page 34</p>
<p>1 you saying physical -- you used to keep physical</p> <p>2 folders?</p> <p>3 A. It could have been, yes.</p> <p>4 Q. Okay. And did you use any software</p> <p>5 application?</p> <p>6 A. So it could have been Microsoft Word,</p> <p>7 off the top of my head. I don't recall other</p> <p>8 specific applications.</p> <p>9 Q. Okay. So was there, like, any</p> <p>10 software program that stored all of -- or each</p> <p>11 employee's information including their hire date,</p> <p>12 end date, disciplinary action taken against them,</p> <p>13 or any investigations being done?</p> <p>14 MS. TIERNEY: Objection to form.</p> <p>15 You can answer, Richard.</p> <p>16 THE WITNESS: So, yes, I believe</p> <p>17 that there were various applications that</p> <p>18 might have housed those types of</p> <p>19 information.</p> <p>20 BY MS. MENDOZA:</p> <p>21 Q. Okay. But do you recall if you had to</p> <p>22 input information into a software program for the</p> <p>23 employees that you were overseeing?</p> <p>24 A. Can you elaborate on what you mean by</p> <p>25 "oversee"?</p> <p>Page 33</p>	<p>1 Q. Okay. Who did?</p> <p>2 A. It could have been a couple of</p> <p>3 different individuals. It could have been -- the</p> <p>4 information could have been input by some of the</p> <p>5 staff members in HR. It could have been tracked</p> <p>6 by his or her or their immediate supervisor.</p> <p>7 Q. Okay. And where -- where is that all</p> <p>8 stored?</p> <p>9 A. I do not recall where it was all</p> <p>10 stored. It could have been in some sort of</p> <p>11 central repository application.</p> <p>12 Q. Okay. And -- okay. So then you</p> <p>13 didn't conduct the performance reviews you said,</p> <p>14 correct?</p> <p>15 A. That's correct.</p> <p>16 Q. Okay. And who in HR did?</p> <p>17 MS. TIERNEY: Objection, asked and</p> <p>18 answered. You can respond.</p> <p>19 THE WITNESS: Again, I think it</p> <p>20 might have been the human resources</p> <p>21 directors.</p> <p>22 BY MS. MENDOZA:</p> <p>23 Q. Okay. And do -- do you know -- it's</p> <p>24 fine if you don't, but do you know what the</p> <p>25 performance reviews are based on?</p> <p>Page 35</p>

<p>Page 36</p> <p>1 A. Specifically, no.</p> <p>2 Q. Okay. And were you involved in any of</p> <p>3 that or no?</p> <p>4 MS. TIERNEY: Object to the form.</p> <p>5 You can answer.</p> <p>6 THE WITNESS: So if you're asking</p> <p>7 me if I was involved in any way with the</p> <p>8 performance reviews, the answer is no.</p> <p>9 BY MS. MENDOZA:</p> <p>10 Q. Okay. Did you fire anyone?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. Did you hire anyone?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. And how many people did you</p> <p>15 fire?</p> <p>16 A. I do not know the number off the top</p> <p>17 of my head.</p> <p>18 Q. Okay. And how did you have authority</p> <p>19 to fire any of the employees?</p> <p>20 MS. TIERNEY: Objection to form.</p> <p>21 You can answer, Richard.</p> <p>22 THE WITNESS: So essentially, as</p> <p>23 one of the human resources executives on</p> <p>24 59th Street, I had the decisionmaking</p> <p>25 authority to do that typically after</p>	<p>Page 38</p> <p>1 MS. TIERNEY: Object to the form.</p> <p>2 You can answer.</p> <p>3 THE WITNESS: If there was a</p> <p>4 situation where I perhaps needed some</p> <p>5 guidance, then I would reach out to my</p> <p>6 supervisor or the head of the department</p> <p>7 seeking such advice.</p> <p>8 BY MS. MENDOZA:</p> <p>9 Q. Okay. And were you ever reprimanded</p> <p>10 or consulted about any of your decisions?</p> <p>11 A. Not that I recall.</p> <p>12 Q. Okay. And how did you make the</p> <p>13 decision to fire someone?</p> <p>14 MS. TIERNEY: Objection to form.</p> <p>15 You may answer, Richard.</p> <p>16 THE WITNESS: I reviewed the</p> <p>17 information that was presented before me.</p> <p>18 BY MS. MENDOZA:</p> <p>19 Q. Okay. And so what I'm trying to get</p> <p>20 at is the process of how it came to you. So</p> <p>21 would it come from managers, would it come from</p> <p>22 the Asset Protection and then it comes to you?</p> <p>23 A. Are we referring to firing people?</p> <p>24 Q. Yes, just as to firing.</p> <p>25 A. So the -- it could have come to my</p>
<p>Page 37</p> <p>1 policy and procedure violations.</p> <p>2 BY MS. MENDOZA:</p> <p>3 Q. So are you saying for only in</p> <p>4 situations where there was policy and procedure</p> <p>5 violations, that's when you would make the</p> <p>6 decisions -- you were responsible for making the</p> <p>7 decisions to terminate?</p> <p>8 A. So, if I understand your question, if</p> <p>9 there was policy and procedure violations, did I</p> <p>10 have authority to terminate an employee? Then</p> <p>11 the answer would be yes.</p> <p>12 Q. Okay. And so, if it was something</p> <p>13 other than policy or procedure violations, would</p> <p>14 somebody else have authority to make a decision</p> <p>15 whether or not to terminate?</p> <p>16 A. So, broadly speaking, decisions to</p> <p>17 terminate could have been done by any of the HR</p> <p>18 executives at the 59th Street location.</p> <p>19 Q. Okay. Did you have to consult with</p> <p>20 anyone before making the decision whether or not</p> <p>21 to fire someone?</p> <p>22 A. Typically, I do not recall the</p> <p>23 requirement to consult with anyone.</p> <p>24 Q. Okay. Did anyone look over afterwards</p> <p>25 any of your decisions?</p>	<p>Page 39</p> <p>1 attention the -- in regards to firing</p> <p>2 individuals, could have come from the associates'</p> <p>3 supervisors or Asset Protection.</p> <p>4 Q. Okay. And then was there any -- were</p> <p>5 there any policies as to a written warning, a</p> <p>6 suspension, and then ultimately termination?</p> <p>7 A. There was what I'm going to call a</p> <p>8 responsibility based performance policy at</p> <p>9 Bloomingdale's 59th Street where the disciplinary</p> <p>10 actions could have been, but did not necessarily</p> <p>11 require progressive steps.</p> <p>12 Q. Okay. And so did you make any</p> <p>13 determinations to give the progressive steps</p> <p>14 instead of termination?</p> <p>15 MS. TIERNEY: Objection to the form.</p> <p>16 You can answer.</p> <p>17 THE WITNESS: Can you repeat that</p> <p>18 question, please?</p> <p>19 BY MS. MENDOZA:</p> <p>20 Q. Yes. Did you make any decisions to</p> <p>21 forgo termination and instead give progressive</p> <p>22 steps?</p> <p>23 MS. TIERNEY: Same objection.</p> <p>24 THE WITNESS: I don't recall</p> <p>25 specifically. I may have.</p>

<p>Page 40</p> <p>1 BY MS. MENDOZA:</p> <p>2 Q. Okay. I guess my question is that did</p> <p>3 you, in your time there, did you give any -- make</p> <p>4 any decisions to give a progressive step instead</p> <p>5 of termination?</p> <p>6 MS. TIERNEY: Object to the form.</p> <p>7 You can answer.</p> <p>8 THE WITNESS: Again, I don't recall</p> <p>9 specifically. I may have.</p> <p>10 BY MS. MENDOZA:</p> <p>11 Q. Okay. And did you consult with the</p> <p>12 union during your time there?</p> <p>13 A. In what regards?</p> <p>14 Q. In your position as HR manager, did</p> <p>15 you have to consult with the union?</p> <p>16 A. If you mean consult in terms of</p> <p>17 interaction with the union, then yes.</p> <p>18 Q. Okay. And what types of interactions</p> <p>19 did you have?</p> <p>20 A. It could have been anywhere from</p> <p>21 having a union rep sit in on situations with an</p> <p>22 employee, mostly from the employee's request, or</p> <p>23 it could have been conversations or meetings with</p> <p>24 different individuals from the union leadership.</p> <p>25 Q. Okay. And did you handle grievances?</p>	<p>Page 42</p> <p>1 you.</p> <p>2 (Brief recess.)</p> <p>3 BY MS. MENDOZA:</p> <p>4 Q. All right. Now I'm going to ask you</p> <p>5 some questions about Kristina's employment,</p> <p>6 Kristina Mikhaylova. And did you interview</p> <p>7 Kristina Mikhaylova?</p> <p>8 MS. TIERNEY: Object to form. At</p> <p>9 what point?</p> <p>10 MS. MENDOZA: At the time of hire.</p> <p>11 THE WITNESS: No, I did not.</p> <p>12 BY MS. MENDOZA:</p> <p>13 Q. Okay. And what department did</p> <p>14 Kristina work in?</p> <p>15 A. To my knowledge, she worked in Chanel</p> <p>16 Handbags.</p> <p>17 Q. Okay. And was Cathy Younis the</p> <p>18 director there at the time in that department?</p> <p>19 A. I believe she was.</p> <p>20 Q. Okay. And do you recall if Dennis</p> <p>21 Diaz was Kristina's manager?</p> <p>22 A. I believe he was.</p> <p>23 Q. And the Chanel Handbag department --</p> <p>24 withdrawn.</p> <p>25 So, did you have any conversations</p>
<p>Page 41</p> <p>1 A. I did not handle grievances.</p> <p>2 Q. Who did?</p> <p>3 A. That probably would have been Michelle</p> <p>4 Ronquillo.</p> <p>5 Q. Were managers allowed to make</p> <p>6 accommodation -- withdrawn.</p> <p>7 Were managers allowed to grant</p> <p>8 accommodation requests?</p> <p>9 A. To my knowledge, no.</p> <p>10 Q. Okay. All right. And do you know</p> <p>11 who -- did you work with Cathy Younis?</p> <p>12 A. I know Cathy because we worked at</p> <p>13 Bloomingdale's during my tenure there, but in</p> <p>14 terms of, you know, having significant</p> <p>15 interactions with her, the answer would be no.</p> <p>16 Q. Okay. And -- I'll be a little bit</p> <p>17 more specific now. I'm going into Kristina's</p> <p>18 employment.</p> <p>19 MS. TIERNEY: If we're changing,</p> <p>20 could we take a short restroom break,</p> <p>21 Melissa? If you don't mind, maybe five</p> <p>22 minutes?</p> <p>23 MS. MENDOZA: That's fine. Back on</p> <p>24 at 11:11.</p> <p>25 MS. TIERNEY: Sounds good. Thank</p>	<p>Page 43</p> <p>1 with Cathy Younis about Kristina Mikhaylova?</p> <p>2 A. Is there a timeframe you're referring</p> <p>3 to?</p> <p>4 Q. No. We're still talking about that</p> <p>5 timeframe; 2016, 2017.</p> <p>6 A. I do not recall any direct</p> <p>7 conversations with Cathy regarding Kristina.</p> <p>8 Q. When you say "direct," do you mean</p> <p>9 verbal?</p> <p>10 A. That's correct.</p> <p>11 Q. Okay. Do you recall any</p> <p>12 correspondence, e-mail correspondence?</p> <p>13 A. I recall an e-mail from Cathy</p> <p>14 regarding the Chanel department and any advice</p> <p>15 on -- basically, how they should proceed, given</p> <p>16 Kristina's situation. And I believe my response</p> <p>17 was something like, just make sure they follow</p> <p>18 all the policies and procedures.</p> <p>19 Q. Okay. And did you have any</p> <p>20 conversations about Kristina with Dennis Diaz?</p> <p>21 A. No.</p> <p>22 Q. Did you know that Kristina was</p> <p>23 pregnant?</p> <p>24 A. Up until she sent me an e-mail after</p> <p>25 she had been placed on suspension, I did not know</p>

<p>Page 44</p> <p>1 she was pregnant.</p> <p>2 Q. Okay. And what did you do when she</p> <p>3 told you she was pregnant?</p> <p>4 MS. TIERNEY: Object to the form.</p> <p>5 You may answer.</p> <p>6 THE WITNESS: I don't recall doing</p> <p>7 anything specifically.</p> <p>8 BY MS. MENDOZA:</p> <p>9 Q. Okay. And do you know if she was on</p> <p>10 FMLA leave, intermittent FMLA leave?</p> <p>11 A. To my knowledge, I don't recall being</p> <p>12 notified that she was on intermittent FMLA.</p> <p>13 Q. Were you supposed to have been</p> <p>14 notified?</p> <p>15 A. Possibly, yes. Probably.</p> <p>16 Q. Why?</p> <p>17 A. Just as a matter of procedure from</p> <p>18 corporate, so that we knew if an employee was out</p> <p>19 and how to -- I'm going to call it how to respond</p> <p>20 to that, if they needed to take time off.</p> <p>21 Q. Okay. So who should have told you?</p> <p>22 A. That type of notification typically</p> <p>23 comes from corporate.</p> <p>24 Q. Okay. So you're saying corporate</p> <p>25 should have told you that she was on FMLA leave;</p>	<p>Page 46</p> <p>1 A. So, yes, we had some conversations</p> <p>2 regarding the situation with Kristina.</p> <p>3 Q. Okay. And so was it -- that was</p> <p>4 regarding the investigation, correct?</p> <p>5 A. That's correct.</p> <p>6 Q. Okay. Did you take any disciplinary</p> <p>7 action against Cathy Younis?</p> <p>8 MS. TIERNEY: Object to the form.</p> <p>9 You can answer.</p> <p>10 THE WITNESS: No.</p> <p>11 BY MS. MENDOZA:</p> <p>12 Q. And what about Dennis Diaz?</p> <p>13 MS. TIERNEY: Same objection.</p> <p>14 THE WITNESS: No.</p> <p>15 BY MS. MENDOZA:</p> <p>16 Q. Okay. Are you aware of any</p> <p>17 disciplinary action that was taken against either</p> <p>18 one of them?</p> <p>19 A. To my knowledge, no.</p> <p>20 Q. Okay. And why was Kristina</p> <p>21 terminated?</p> <p>22 A. From what I recall, she was terminated</p> <p>23 due to violating Bloomingdale's discount policy.</p> <p>24 Q. Okay. And can you be more specific?</p> <p>25 A. From what I recall, she purchased a</p>
<p>Page 45</p> <p>1 is that correct?</p> <p>2 MS. TIERNEY: Object to form. You</p> <p>3 may answer.</p> <p>4 THE WITNESS: Yes.</p> <p>5 BY MS. MENDOZA:</p> <p>6 Q. Okay. And do you know if she had</p> <p>7 requested a medical accommodation?</p> <p>8 A. I do not believe I was informed she</p> <p>9 was requesting a medical accommodation.</p> <p>10 Q. Okay. So when did you learn that she</p> <p>11 was on FMLA leave?</p> <p>12 MS. TIERNEY: Object to the form.</p> <p>13 You may answer.</p> <p>14 THE WITNESS: I don't recall</p> <p>15 specifically when I might have been</p> <p>16 informed that she was on FMLA.</p> <p>17 BY MS. MENDOZA:</p> <p>18 Q. Was it after her termination?</p> <p>19 MS. TIERNEY: Object to the form.</p> <p>20 You can answer.</p> <p>21 THE WITNESS: It's possible, but I</p> <p>22 don't recall specifically.</p> <p>23 BY MS. MENDOZA:</p> <p>24 Q. Okay. Did you speak with Christopher</p> <p>25 Castellani about Kristina?</p>	<p>Page 47</p> <p>1 significant number of items, exceeding the limit</p> <p>2 that she was allowed given the given timeframe.</p> <p>3 And -- yeah.</p> <p>4 Q. Okay. So how did you determine that</p> <p>5 she exceeded the purchase limit?</p> <p>6 A. Through reviewing the discount policy</p> <p>7 and the employee handbook, as well as numerous</p> <p>8 transactions provided to me by the AP team.</p> <p>9 Q. Okay. And did the Chanel department</p> <p>10 have a separate policy than Bloomingdale's</p> <p>11 policy?</p> <p>12 MS. TIERNEY: Object to the form.</p> <p>13 You can answer.</p> <p>14 THE WITNESS: If I understand your</p> <p>15 question, was there a section where there</p> <p>16 were limits placed on the number of Chanel</p> <p>17 purchases, then the answer would be yes.</p> <p>18 BY MS. MENDOZA:</p> <p>19 Q. Right. So my question is if you were</p> <p>20 looking at the purchase limits for Chanel or is</p> <p>21 it -- was it for Bloomingdale's purchase limits?</p> <p>22 MS. TIERNEY: Objection. You can</p> <p>23 answer. Sorry, Richard.</p> <p>24 THE WITNESS: My apologies, Betty.</p> <p>25 MS. TIERNEY: No, no, no, you're</p>

<p>1 fine.</p> <p>2 THE WITNESS: So, from what I</p> <p>3 recall, yes, there are purchase limits</p> <p>4 within the Bloomingdale's employee</p> <p>5 handbook and there is a separate section</p> <p>6 for Chanel purchases.</p> <p>7 BY MS. MENDOZA:</p> <p>8 Q. Okay. And what's the difference</p> <p>9 between the two policies?</p> <p>10 A. The Chanel policy, from what I recall,</p> <p>11 was -- I'm going to use the term "stricter" in</p> <p>12 the sense that the quantity of items an associate</p> <p>13 was allowed to purchase was smaller than other</p> <p>14 items within a given timeframe.</p> <p>15 Q. Okay. And did you consult with Cathy</p> <p>16 Younis about Kristina's purchases?</p> <p>17 A. No.</p> <p>18 Q. Okay. And did the Chanel department</p> <p>19 have sales often?</p> <p>20 MS. TIERNEY: Object to the form.</p> <p>21 You may answer.</p> <p>22 THE WITNESS: Can you elaborate on</p> <p>23 what you mean by often?</p> <p>24 BY MS. MENDOZA:</p> <p>25 Q. I'll ask it differently. So were</p>	<p>Page 48</p> <p>1 A. I do not recall her ever telling me</p> <p>2 that.</p> <p>3 Q. Okay. Just give me a moment while I</p> <p>4 upload some exhibits.</p> <p>5 MS. TIERNEY: Trinity, I know you</p> <p>6 were sending me the link for exhibits. I</p> <p>7 never got it. I think Richard got it. I</p> <p>8 don't know if Steve got it.</p> <p>9 MR. GERBER: I think I did,</p> <p>10 although I'm having trouble opening it.</p> <p>11 MS. TIERNEY: Yeah. Trinity, I did</p> <p>12 not. So I don't know if we have my e-mail</p> <p>13 address wrong.</p> <p>14 (Discussion held off the Record.)</p> <p>15 MS. MENDOZA: All right. If we can</p> <p>16 pull up the handbag policy.</p> <p>17 (Discussion held off the Record.)</p> <p>18 (Document being shown.)</p> <p>19 MS. MENDOZA: Okay. Do you want me</p> <p>20 to wait until everybody has it or do you</p> <p>21 want me to go ahead?</p> <p>22 MS. TIERNEY: Go ahead, we can see</p> <p>23 it.</p> <p>24 MR. GERBER: I can see it.</p> <p>25 BY MS. MENDOZA:</p> <p>Page 50</p>
<p>1 there any times that the purchase -- that there</p> <p>2 could be purchases on the handbags that did not</p> <p>3 count towards the purchase limits?</p> <p>4 MS. TIERNEY: Object to the form.</p> <p>5 THE WITNESS: So if you're asking</p> <p>6 were the purchase limits waived at any</p> <p>7 point in time for Chanel handbags, my</p> <p>8 answer would be, to my knowledge, no.</p> <p>9 BY MS. MENDOZA:</p> <p>10 Q. Okay. Not waived, but it's -- that it</p> <p>11 wasn't -- if I, for example, purchased a bag</p> <p>12 during a liquidation sale and -- would that</p> <p>13 purchase be counted towards that purchase limit?</p> <p>14 MS. TIERNEY: Object to the form.</p> <p>15 You may answer.</p> <p>16 THE WITNESS: To my knowledge, all</p> <p>17 Chanel handbags purchased counted towards</p> <p>18 the limit.</p> <p>19 BY MS. MENDOZA:</p> <p>20 Q. Okay. And who told you that?</p> <p>21 A. That was my interpretation from the</p> <p>22 employee handbook.</p> <p>23 Q. Okay. And did Kristina tell you that</p> <p>24 there wasn't any limits -- there weren't any</p> <p>25 limits put on some of the bags?</p> <p>Page 49</p>	<p>1 Q. Okay. So if you can take a moment to</p> <p>2 look at this, please, Richard, this document in</p> <p>3 front of you?</p> <p>4 A. Uh-huh.</p> <p>5 Q. And let me know when you're done.</p> <p>6 A. (Reviewing document).</p> <p>7 MR. GERBER: Are you numbering this</p> <p>8 or lettering this exhibit, Melissa.</p> <p>9 MS. MENDOZA: Yes. We'll do --</p> <p>10 we'll start with -- I don't recall if you</p> <p>11 did one -- letters or not, but we can do</p> <p>12 one.</p> <p>13 MS. TIERNEY: However you want to</p> <p>14 do it is fine. We don't care.</p> <p>15 MS. MENDOZA: All right.</p> <p>16 Exhibit-1. Actually, we'll do letters</p> <p>17 because we've been doing letters, so</p> <p>18 Exhibit-A.</p> <p>19 (Whereupon Exhibit-A was marked for</p> <p>20 identification.)</p> <p>21 THE WITNESS: Okay. I think I'm</p> <p>22 ready.</p> <p>23 BY MS. MENDOZA:</p> <p>24 Q. Okay. So it says at the top there,</p> <p>25 Handbag Policy. Do you see that?</p> <p>Page 51</p>

<p>Page 52</p> <p>1 A. Uh-huh.</p> <p>2 Q. Okay. And this is the Chanel</p> <p>3 department, right? Below, you see there?</p> <p>4 A. Uh-huh.</p> <p>5 Q. Was this the Chanel Handbag policy</p> <p>6 while you were employed there?</p> <p>7 A. I am not familiar with this document,</p> <p>8 no.</p> <p>9 Q. Okay. So do you recall this policy at</p> <p>10 all, whether -- regardless of the document, but</p> <p>11 anything in the document?</p> <p>12 A. I seem to recall that there was a</p> <p>13 maximum number of handbags allowed to be</p> <p>14 purchased per year, yes. The rest of this is --</p> <p>15 I can't say that I've seen the rest of this.</p> <p>16 Q. Okay. So -- so when you stated</p> <p>17 before -- withdrawn.</p> <p>18 When you were referring to -- or</p> <p>19 when you had to look at the handbag policy for</p> <p>20 Chanel, where did you -- what policy were you</p> <p>21 referring to?</p> <p>22 A. I was referring -- excuse me -- I was</p> <p>23 referring to the policy in the Bloomingdale's</p> <p>24 employee handbook.</p> <p>25 Q. My apologies; did you say the Chanel</p>	<p>Page 54</p> <p>1 year, max of 12, is that consistent with the</p> <p>2 policy that you referred to?</p> <p>3 A. The 24 per year sounds about right.</p> <p>4 However, there were monthly limits as to how many</p> <p>5 could be purchased.</p> <p>6 Q. And you're saying the monthly limit</p> <p>7 came from Bloomingdale's?</p> <p>8 A. From the Bloomingdale's policy, yes.</p> <p>9 The Bloomingdale's handbook. Sorry.</p> <p>10 Q. Okay. Okay.</p> <p>11 MS. MENDOZA: We can get off this</p> <p>12 screen now. Thank you.</p> <p>13 MS. TIERNEY: Melissa, is there a</p> <p>14 Bates for Exhibit-A? I think you produced</p> <p>15 it.</p> <p>16 MS. MENDOZA: We did, it's just --</p> <p>17 it wasn't as clear as this one. I think</p> <p>18 we did, though. I have to go back and</p> <p>19 look. I think we gave you one that might</p> <p>20 have been a little bit more blurry.</p> <p>21 MS. TIERNEY: All right. But this</p> <p>22 is the same one, it just isn't Bated,</p> <p>23 right? Is that --</p> <p>24 MS. MENDOZA: Right.</p> <p>25 MS. TIERNEY: -- your</p>
<p>Page 53</p> <p>1 Handbag policy in the Bloomingdale's handbook?</p> <p>2 A. The Chanel policy in the</p> <p>3 Bloomingdale's handbook.</p> <p>4 Q. Okay. And at what point did that</p> <p>5 change? Did that change at all?</p> <p>6 A. I am not aware of that policy being</p> <p>7 changed.</p> <p>8 Q. Okay. And you said that you did not</p> <p>9 handle Kristina's grievance; is that correct?</p> <p>10 A. That's correct.</p> <p>11 Q. So -- and is this, what's in this</p> <p>12 policy here, does that contradict what you -- the</p> <p>13 policy that's in the -- the Chanel policy that's</p> <p>14 in the employee handbook?</p> <p>15 A. From my recollection, the policy is</p> <p>16 different.</p> <p>17 Q. Okay. How so?</p> <p>18 A. There are -- there's other information</p> <p>19 in here that I do not recall seeing.</p> <p>20 Q. Okay. And what is that information?</p> <p>21 A. So from my recollection, for instance,</p> <p>22 the first hash, one icon and one non-icon, et</p> <p>23 cetera, I do not recall seeing that in the</p> <p>24 Bloomingdale's version of the policy.</p> <p>25 Q. Okay. But is the 24 handbags per</p>	<p>Page 55</p> <p>1 representation?</p> <p>2 MS. MENDOZA: Yes, yes.</p> <p>3 BY MS. MENDOZA:</p> <p>4 Q. Was anyone else -- did you terminate</p> <p>5 anyone else for exceeding the purchase limits?</p> <p>6 A. I believe I may have.</p> <p>7 Q. Who?</p> <p>8 A. It might have been Martha Weh. I</p> <p>9 don't recall specifically, but it might have</p> <p>10 been.</p> <p>11 Q. Okay. And... we'll go back to her</p> <p>12 later.</p> <p>13 But when you were employed at</p> <p>14 Bloomingdale's, did the Chanel department go</p> <p>15 leased?</p> <p>16 A. I seem to recall that there was some</p> <p>17 sort of transition from what I'm going to call a</p> <p>18 Bloomingdale's owned department to going leased.</p> <p>19 Q. Okay. Do you recall if that was in</p> <p>20 February?</p> <p>21 A. I do not recall the timeframe.</p> <p>22 Q. Okay. Do you recall if that</p> <p>23 changed -- if that made any change to the handbag</p> <p>24 policy limits?</p> <p>25 A. I do not believe I was aware of any</p>

<p>1 changes to the handbag policy. 2 Q. Okay. 3 MS. MENDOZA: If you refresh your 4 page now, there should be another exhibit. 5 But let's pull up the discount employees 6 document, please, and make this Exhibit-B. 7 (Whereupon Exhibit-B was marked for 8 identification.) 9 (Document being shown.) 10 BY MS. MENDOZA: 11 Q. Okay. You can take a moment to review 12 the document in front of you. And if you want 13 control over the document, just let us know. 14 There's five pages. And let me know when you're 15 done. 16 A. So I'm not sure if I have the right 17 document in front of me. I have what appears to 18 be some sort of text communication between 19 individuals. 20 Q. Yes, that's right. 21 A. Okay. (Reviewing document). Can you 22 give me control of the document so I can look at 23 it? 24 VIDEOGRAPHER: You have control 25 now.</p>	Page 56	<p>1 All right. And then go to the next 2 page. I'm going to have to turn it. It's Bates 3 stamped Mikhaylova 00199. You can rotate the 4 page, if you like. 5 But at the top there is an 6 exchange -- a text message exchange between 7 Kristina and Amapara. Do you know who Amapara 8 was? 9 A. No, I do not. 10 Q. And her first message is: Hey Amapara 11 how are you? I miss you guys. I have a question 12 was there a limit to how many handbags we can 13 purchase during sale? The ones that were on 14 additional. 15 And you see that there, correct? 16 A. I do see that, yes. 17 Q. Okay. And her response is: Miss you 18 too. No there is no limit. 19 You see that, right? 20 A. I do see that. 21 Q. And then on the next page, 22 Mikhaylova -- Bates stamp Mikhaylova 00200, it 23 says -- it's a message from Kristina. It says: 24 Hey Kemi sorry to bother you. I know you're on 25 vacation. I just have a question, was there a</p>	Page 58
<p>1 THE WITNESS: Thank you. 2 (Reviewing document). Okay. 3 BY MS. MENDOZA: 4 Q. Okay. So this document, Plaintiff's 5 Exhibit-B, it's text messages, if you go to page 6 1, between Kristina Mikhaylova and her former 7 coworkers. And it's Bates stamped, the first 8 page, if you look at the first page, the bottom 9 of it says Mikhaylova 00197. Do you see that 10 there? 11 A. Yes. 12 Q. Okay. And it says at the top right: 13 Hey Sanela, I have you my Sunday. 14 This is from Kristina. 15 I have a question was there a limit 16 to how many handbags we can purchase during sale? 17 The ones that were on additional. 18 Do you know who Sanela was? 19 A. No, I do not. 20 Q. Okay. And her response is: Hi 21 Kristina, thank you very much. No I don't think 22 they said anything. 23 And she states: I just remember 24 Cathy telling us we had no limits on any of the 25 additional items on sale so I wanted to confirm.</p>	Page 57	<p>1 limit to how many handbags we can purchase during 2 sale? The ones that were on addition. 3 And her response is: No limit on 4 the 60/20/20. Hey girl. No bother just waiting 5 on my Uber to take me away, laugh out loud. Is 6 everything ok? 7 Do you see that there? 8 A. I do see that. 9 Q. Okay. And so my question for you is, 10 do you recall if there was a difference between 11 any sales versus the 60/20/20 sale? 12 MS. TIERNEY: Object to the form. 13 You may answer. 14 THE WITNESS: So if you're asking 15 me was there a change in policy in terms 16 of the number of items an associate could 17 purchase for this particular sale, I was 18 not aware of any changes. 19 BY MS. MENDOZA: 20 Q. Not changes, but was there a policy -- 21 withdrawn. 22 Was part of the policy that the 23 60/20/20 purchases would not apply to the handbag 24 limit? 25 MS. TIERNEY: Object to the form.</p>	Page 59

<p>1 You may answer.</p> <p>2 THE WITNESS: I was not aware of</p> <p>3 any changes in terms of the limit for the</p> <p>4 number of handbags, regardless of whether</p> <p>5 it was the policy in the employee handbook</p> <p>6 or this.</p> <p>7 BY MS. MENDOZA:</p> <p>8 Q. Okay. Okay. But are you aware -- but</p> <p>9 how did you know -- withdrawn.</p> <p>10 How was the Chanel Handbag policy</p> <p>11 updated in the Bloomingdale's employee handbook?</p> <p>12 MS. TIERNEY: Object to the form.</p> <p>13 THE WITNESS: To my knowledge,</p> <p>14 there was no update to the Chanel policy</p> <p>15 in the Bloomingdale's handbook.</p> <p>16 BY MS. MENDOZA:</p> <p>17 Q. Okay. Well, let me rephrase it.</p> <p>18 Who created or who put in that</p> <p>19 policy?</p> <p>20 MS. TIERNEY: Object to the form.</p> <p>21 You may answer.</p> <p>22 THE WITNESS: From what I recall of</p> <p>23 seeing from the first exhibit you showed</p> <p>24 us, to me that appears to be a Chanel</p> <p>25 specific policy, not necessarily a</p>	<p>Page 60</p> <p>1 Younis depo regarding liquidation.</p> <p>2 MS. TIERNEY: You're going to</p> <p>3 introduce her deposition? We're going to</p> <p>4 object --</p> <p>5 MS. MENDOZA: Transcript, her</p> <p>6 transcript.</p> <p>7 MS. TIERNEY: We're going to object</p> <p>8 to having him answer anything about Cathy</p> <p>9 Eunice's transcript. That is not</p> <p>10 appropriate. You can ask him, but he's</p> <p>11 not going to read her transcript and</p> <p>12 interpret what Cathy meant or said.</p> <p>13 That's just not happening. I've never</p> <p>14 even heard of that in 30 years, Melissa.</p> <p>15 MS. MENDOZA: Well, I'm glad I did</p> <p>16 something different, new. But --</p> <p>17 MS. TIERNEY: Inappropriate would</p> <p>18 be my word, but okay.</p> <p>19 MS. MENDOZA: I'm sorry?</p> <p>20 MS. TIERNEY: Inappropriate would</p> <p>21 be my word, but okay.</p> <p>22 MS. MENDOZA: No, I've actually</p> <p>23 seen it before, so that's why it's</p> <p>24 interesting. Actually, it's been done by</p> <p>25 defense counsel. So it's -- because I'm</p>
<p>Page 61</p> <p>1 Bloomingdale's policy, based solely upon</p> <p>2 the branding on that particular page.</p> <p>3 BY MS. MENDOZA:</p> <p>4 Q. Right. But does that --</p> <p>5 MS. MENDOZA: We can get off that</p> <p>6 screen.</p> <p>7 BY MS. MENDOZA:</p> <p>8 Q. But does that make a difference --</p> <p>9 would that have made -- withdrawn.</p> <p>10 Would that have made a difference</p> <p>11 in your decision to terminate Kristina?</p> <p>12 A. I can't say for sure because this was</p> <p>13 the first time I've seen that particular</p> <p>14 document.</p> <p>15 Q. Okay. I'm referring to any specific</p> <p>16 Chanel Handbag policy, not specifically that</p> <p>17 document.</p> <p>18 MS. TIERNEY: Object to the form.</p> <p>19 You may answer.</p> <p>20 THE WITNESS: Can you repeat that</p> <p>21 question, please?</p> <p>22 BY MS. MENDOZA:</p> <p>23 Q. If you were aware -- well, withdrawn.</p> <p>24 I will --</p> <p>25 MS. MENDOZA: Let's introduce</p>	<p>Page 62</p> <p>1 not asking him to interpret, I'm trying</p> <p>2 to -- he didn't understand what I meant</p> <p>3 before --</p> <p>4 Don't show it yet. Don't show it,</p> <p>5 because if she's objecting to it.</p> <p>6 And I -- I'm showing it for</p> <p>7 purposes of explaining to him the</p> <p>8 liquidation sale.</p> <p>9 MS. TIERNEY: He just told you he</p> <p>10 was not aware of any differences in the</p> <p>11 policies. He knew what was in the</p> <p>12 handbook and that's the basis for his</p> <p>13 decision. The fact that Cathy Younis said</p> <p>14 there was a once-a-year sale that had</p> <p>15 specific discounts, does not lend itself</p> <p>16 to his decision because there's no</p> <p>17 evidence of when that sale was in 2017, or</p> <p>18 that that was even any of the purchases</p> <p>19 that your clients made. So I'm not sure</p> <p>20 what the purpose is --</p> <p>21 MS. MENDOZA: No, she was talking</p> <p>22 about the change in limits, which is what</p> <p>23 I asked before --</p> <p>24 MS. TIERNEY: -- had a liquidation</p> <p>25 sale once a year. She said it happened</p>

<p>1 once a year, not every month like your 2 client is representing. That's what -- 3 MS. MENDOZA: Well, no, that's not 4 what I'm -- I'm telling you what the 5 purpose of the transcript is and what I 6 was going to ask him. Right? So, and I'm 7 telling you it's that it's for the 8 purposes of my previous question as to if 9 there was any point where any purchases 10 did not apply to the limit. And he stated 11 before he did not know, and so that's why 12 I was introducing what was said. 13 MS. TIERNEY: The liquidation sale 14 was Chanel specific. There's no evidence 15 that Richard had any knowledge of that. I 16 think he's already testified to that. 17 MS. MENDOZA: And that's all I 18 wanted him, in knowing if I was more clear 19 from what she had testified -- 20 MS. TIERNEY: I will let you go 21 with him knowing, as long as you're 22 specific. Because I don't want it to be 23 used to misrepresent to him what Cathy 24 said, because Cathy was very specific. 25 MS. MENDOZA: And that's why I'm</p>	<p>Page 64</p>	<p>1 recollection and then now he may recall, 2 yes, there was a difference. 3 MS. TIERNEY: Well, my experience 4 with refreshing recollection is there has 5 to be something by the witness saying that 6 they had a recollection and they no longer 7 recall it and something will refresh them. 8 I don't think that's what he testified to. 9 MS. MENDOZA: Right. I just want 10 to know -- 11 MS. TIERNEY: I'll let you do it, 12 but I'm going to reserve my right to make 13 more objections because I do think this is 14 very unusual and I do think it's 15 inappropriate. Let's move forward because 16 I don't want to have to bring him back. 17 MS. MENDOZA: Make the objection. 18 MS. TIERNEY: I'll make my 19 objections as we go along. I'm not going 20 to -- I don't want to bring him back for 21 this. 22 MS. MENDOZA: Okay. Okay. So now 23 if we can introduce the document, please? 24 (Whereupon Exhibit-C was marked for 25 identification.)</p>	<p>Page 66</p>
<p>1 showing the transcript. Instead of me 2 repeating -- just saying my 3 interpretation, I thought that it would 4 have been best to use her transcript so 5 that it's not my words, it's hers. 6 MS. TIERNEY: I just don't know how 7 that's going to help him, seeing what 8 Cathy said happened, when he was not in 9 the department and was not aware of the 10 day-to-day interactions with the team. I 11 mean, I let him testify about text 12 messages he's never seen before that 13 were -- that your client actually sent 14 after she was terminated. So, you can -- 15 MS. MENDOZA: This is just to 16 refresh his recollection. If he doesn't 17 know, then that's different. 18 MS. TIERNEY: He hasn't testified 19 that he had a recollection to be 20 refreshed. That's the problem with that 21 argument. He said he didn't know. He 22 didn't say, I knew and forgot. He said, I 23 did not know of any other changes. 24 MS. MENDOZA: Right. If he doesn't 25 know, then perhaps this could refresh his</p>	<p>Page 65</p>	<p>1 (Document being shown.) 2 MS. TIERNEY: What page are we 3 looking at? 4 MS. MENDOZA: We are at 64 -- I'm 5 sorry, 67. 6 BY MS. MENDOZA: 7 Q. All right. So in front of you, 8 Plaintiff's Exhibit-C is an excerpt from the 9 deposition of Cathy Younis and it's pages 67 to 10 73. 11 And so, in referring to what we 12 just talked about, the 60/20/20 that I just asked 13 you about the limits, if there was any changes to 14 the limits, right, so -- 15 MS. TIERNEY: Counsel, I'm going to 16 ask one -- when he reads this, she talks 17 about a chain. Was that Exhibit-B that 18 she is referring to? I do not recall. 19 MS. MENDOZA: Yes, that's the same, 20 the text messages. 21 MS. TIERNEY: Okay. Just so 22 Richard understands the context of the 23 question, Cathy is responding to that 24 e-mail text chain -- or that text string 25 that you looked at, Richard.</p>	<p>Page 67</p>

<p>1 THE WITNESS: Okay.</p> <p>2 MS. MENDOZA: Exhibit-B. So now,</p> <p>3 counsel, do you want him to look through</p> <p>4 the document first and then I'll ask --</p> <p>5 MS. TIERNEY: Is it just the one</p> <p>6 page?</p> <p>7 MS. MENDOZA: No. We're going to</p> <p>8 go into the second page.</p> <p>9 MS. TIERNEY: Okay. Let me read it</p> <p>10 really quickly. I think the first page is</p> <p>11 fine. (Reviewing document).</p> <p>12 And I guess this is -- my -- my</p> <p>13 position is going to be as long as you let</p> <p>14 him read all seven pages -- and I think</p> <p>15 they're consecutive pages, there's no</p> <p>16 gaps. 71, 72, 70, 69. I want him to read</p> <p>17 all seven pages before he answers any</p> <p>18 questions.</p> <p>19 MS. MENDOZA: Okay.</p> <p>20 THE WITNESS: (Reviewing document).</p> <p>21 BY MS. MENDOZA:</p> <p>22 Q. Okay. If you go to the first page?</p> <p>23 A. Okay.</p> <p>24 Q. All right. It's page 67, right at the</p> <p>25 bottom and --</p>	<p>Page 68</p> <p>1 Bloomingdale's have, or Chanel department</p> <p>2 specifically have a big sale, and in which those</p> <p>3 purchases did not apply to the handbag limit?</p> <p>4 MS. TIERNEY: And I'm going to</p> <p>5 object to the form.</p> <p>6 You can -- I'm sorry, Richard, you</p> <p>7 can answer.</p> <p>8 THE WITNESS: So my recollection is</p> <p>9 that there may have been a big sale, maybe</p> <p>10 once a year on, you know, these types of</p> <p>11 expensive luxury items. I think you asked</p> <p>12 about limits; is that correct?</p> <p>13 BY MS. MENDOZA:</p> <p>14 Q. Yes.</p> <p>15 A. So to my knowledge, I was never</p> <p>16 advised or told of any change in the limits for</p> <p>17 the bags to be sold from Chanel.</p> <p>18 Q. Okay. So my question is, that if --</p> <p>19 when you were looking at her purchases that</p> <p>20 exceeded the amount, did you look to see which</p> <p>21 were made during that sale?</p> <p>22 MS. TIERNEY: Object to the form.</p> <p>23 You can answer.</p> <p>24 THE WITNESS: Specifically, no.</p> <p>25 What I recall from looking at her</p> <p>Page 70</p>
<p>1 A. Yes.</p> <p>2 Q. Okay. And so as I showed you</p> <p>3 Exhibit-B, the same was shown to Cathy Younis.</p> <p>4 And she states here -- the question is: So</p> <p>5 before I was asking you was there any difference</p> <p>6 in the policy when there was a sale going on. So</p> <p>7 my question is, again, same as here, is there</p> <p>8 any -- was there a limit? A change in the</p> <p>9 limits -- handbag limits when there was a sale?</p> <p>10 Her response, answer: So this,</p> <p>11 what they are referring to in this chain was not</p> <p>12 a sale. These were one-off bags that were old</p> <p>13 age that we created as special employee events</p> <p>14 for. So this was only available to employees.</p> <p>15 And we would pull the bags to a special</p> <p>16 designation because these were bags that,</p> <p>17 basically, we were going to sell back to Chanel</p> <p>18 at pennies apiece so to speak. So when you said</p> <p>19 before limits, I just thought you meant normal</p> <p>20 limits. But this specific what they are talking</p> <p>21 about here is what we would have, these one off,</p> <p>22 like, maybe once a year kind of big Chanel sales.</p> <p>23 Do you see that there?</p> <p>24 A. I do.</p> <p>25 Q. Okay. So my question is, did</p> <p>Page 69</p>	<p>1 transactions is that she had numerous</p> <p>2 transactions within -- with numerous</p> <p>3 items, on several different occasions that</p> <p>4 did not necessarily fall within a one-day</p> <p>5 or perhaps even two-day period.</p> <p>6 BY MS. MENDOZA:</p> <p>7 Q. Okay. Okay. But you didn't know</p> <p>8 about this policy or that there -- these did not</p> <p>9 apply to the handbag total limit that couldn't be</p> <p>10 exceeded, correct?</p> <p>11 A. I did --</p> <p>12 MS. TIERNEY: Objection. You may</p> <p>13 answer, Richard.</p> <p>14 THE WITNESS: I did not know of any</p> <p>15 exceptions to the limit policy.</p> <p>16 BY MS. MENDOZA:</p> <p>17 Q. Okay. And did Kristina tell you that</p> <p>18 there was no limit?</p> <p>19 A. She may have. I don't recall</p> <p>20 specifically.</p> <p>21 Q. Okay. Do you know if anyone looked</p> <p>22 into whether that was true that there was no</p> <p>23 limit?</p> <p>24 A. I cannot speak for anybody else, but I</p> <p>25 did not.</p> <p>Page 71</p>

<p>Page 72</p> <p>1 Q. Okay. And what I mean is that in the</p> <p>2 HR department was there any conversation as to</p> <p>3 inquiring as to the discrepancy between the</p> <p>4 handbag limits for Chanel and Bloomingdale's</p> <p>5 handbook?</p> <p>6 MS. TIERNEY: I'm going to object</p> <p>7 to the form. You can answer, Richard.</p> <p>8 THE WITNESS: I do not recall any</p> <p>9 conversations whatsoever regarding a</p> <p>10 change in limits.</p> <p>11 BY MS. MENDOZA:</p> <p>12 Q. Okay. And not -- and just to be</p> <p>13 specific, I just want to be clear that you</p> <p>14 understand my question, that it's not a change in</p> <p>15 the limits but that there is a discrepancy; that</p> <p>16 whether there was a discrepancy between the</p> <p>17 handbag limits that are in the employee handbook</p> <p>18 versus what the Chanel department was doing. Did</p> <p>19 anyone look into that discrepancy?</p> <p>20 MS. TIERNEY: Objection to the</p> <p>21 form. You may answer.</p> <p>22 THE WITNESS: So, again, I was not</p> <p>23 aware of any changes to the limits for the</p> <p>24 amount of items that could be purchased.</p> <p>25 BY MS. MENDOZA:</p>	<p>Page 74</p> <p>1 we can get off the document.</p> <p>2 And then my last question is, did</p> <p>3 you have any -- you may have already answered</p> <p>4 this, but did you have any conversations with</p> <p>5 Cathy Younis, either during Kristina's employment</p> <p>6 or after she was terminated, about the handbag</p> <p>7 limits?</p> <p>8 MS. TIERNEY: Object to the form.</p> <p>9 You may answer.</p> <p>10 THE WITNESS: I do not recall</p> <p>11 having any conversations with Cathy</p> <p>12 regarding handbag limits.</p> <p>13 BY MS. MENDOZA:</p> <p>14 Q. Okay. And same question but with</p> <p>15 Dennis Diaz?</p> <p>16 A. Same answer.</p> <p>17 Q. Okay.</p> <p>18 MS. MENDOZA: Okay, if we can pull</p> <p>19 up Mikhaylova 158 and 159. Bates stamped</p> <p>20 158 and 59. Plaintiff's Exhibit-D.</p> <p>21 (Whereupon Exhibit-D was marked for</p> <p>22 identification.)</p> <p>23 (Document being shown.)</p> <p>24 BY MS. MENDOZA:</p> <p>25 Q. And if you can take a moment to look</p>
<p>Page 73</p> <p>1 Q. Okay. Okay. So you see -- so -- my</p> <p>2 first question to you is, are you aware of any</p> <p>3 liquidation handbags?</p> <p>4 MS. TIERNEY: Object to the form.</p> <p>5 You can answer.</p> <p>6 THE WITNESS: There may have been</p> <p>7 an event where they were trying to</p> <p>8 liquidate handbags, but because this is</p> <p>9 not a product that I'm personally</p> <p>10 interested in, I did not necessarily pay</p> <p>11 attention to it.</p> <p>12 BY MS. MENDOZA:</p> <p>13 Q. Okay. And so how did that liquidation</p> <p>14 sale factor into the handbag limits in the</p> <p>15 Bloomingdale's handbook?</p> <p>16 MS. TIERNEY: Object to the form.</p> <p>17 You may answer, Richard.</p> <p>18 THE WITNESS: So, again, I was not</p> <p>19 aware of any changes to the limits and</p> <p>20 that, regardless of whether this was a</p> <p>21 liquidation sale or something else, that</p> <p>22 the purchases here would not count towards</p> <p>23 those limits.</p> <p>24 BY MS. MENDOZA:</p> <p>25 Q. Okay. All right. That's everything</p>	<p>Page 75</p> <p>1 at the document, and when you're done let me</p> <p>2 know.</p> <p>3 MS. TIERNEY: Just one second.</p> <p>4 Steve, I don't know if you're getting it</p> <p>5 but I refreshed and it's not showing up.</p> <p>6 MR. GERBER: Betty, I had to do it</p> <p>7 three times before it refreshed.</p> <p>8 MS. TIERNEY: Here it is. I got</p> <p>9 it. Yes. Thank you, Steve. Sorry. I've</p> <p>10 got it.</p> <p>11 THE WITNESS: (Reviewing document).</p> <p>12 Okay. I think I'm ready.</p> <p>13 BY MS. MENDOZA:</p> <p>14 Q. Okay. So the first page is Bates</p> <p>15 stamped Mikhaylova 00158, Plaintiff's Exhibit-D</p> <p>16 in front of you. The first page there, you</p> <p>17 see -- have you ever seen this document before?</p> <p>18 A. I do not recall ever seeing this</p> <p>19 document.</p> <p>20 Q. Okay. So if you look at the top of</p> <p>21 the page, scroll to the top of the page, it's a</p> <p>22 grievance, right, from e-mail from Kristina</p> <p>23 Mikhaylova dated June 20, 2017. You see that</p> <p>24 there, right?</p> <p>25 A. Yes.</p>

<p>Page 76</p> <p>1 Q. Okay. And it's addressed to Shawn. 2 It's Shawn Kavanagh. Do you know who Shawn 3 Kavanagh was, or is? 4 A. Yes. 5 Q. Okay. And who was he? 6 A. He was one of the officers of the 7 union. I don't remember his exact title. 8 Q. Okay. And did you talk to him about 9 Kristina's purchases? 10 A. I don't recall having a conversation 11 with him about them. 12 Q. Okay. Do you recall having a 13 conversation with him about her termination? 14 A. No, I don't believe I recall a 15 conversation regarding her termination. 16 Q. Okay. And then looking at this it 17 says: Dear Shawn -- right -- it says, I'm 18 writing to file a grievance with Bloomingdale's 19 59th Street. And it says: On June 16, 2017 at 20 around 11:30 a.m. I had a meeting with Richard 21 Law from HR. He advised me that Bloomingdale's 22 decided to terminate me because in accordance to 23 them I was abusing the discount and shipping 24 merchandise to a state with no Macy's or 25 Bloomingdale's to save on tax. I am submitting</p>	<p>Page 78</p> <p>1 Asset Protection. 2 BY MS. MENDOZA: 3 Q. Okay. And did you meet -- before the 4 June 16th date, did you meet with or have any 5 conversations with Kristina? 6 A. I do not recall having any 7 conversations with Kristina, you know, during the 8 interim. 9 Q. Okay. And then if you go down, it 10 says -- in the second paragraph we're going to go 11 to -- there. She states that I was told that I 12 was in the -- one, two, three, four, five, six, 13 seven -- seventh sentence down, seven lines down 14 in the second paragraph. 15 In there it says: But again I was 16 told that I was allowed to purchase all those 17 handbags and now I am being terminated for 18 something I was allowed to do. You can ask my 19 whole team and they will tell you that additional 20 sale had no limit. I feel as though I'm -- as 21 though being completely singled out because so 22 many coworkers were purchasing many handbags 23 during those sales and they were all allowed. 24 Do you see that there? 25 A. I do.</p>
<p>Page 77</p> <p>1 this letter as a grievance because I do not agree 2 with the decision regarding my termination. 3 Do you see that there? 4 A. I do. 5 Q. Do you recall that conversation with 6 Kristina? 7 A. I do not recall the specific 8 conversation with Kristina but, you know, I may 9 have had a conversation with her regarding her 10 termination but I don't recall specifically. 11 Q. Okay. So prior to her termination, 12 was she suspended? 13 A. Yes. 14 Q. Okay. And -- and she was suspended 15 after she met with Asset Protection, correct? 16 A. I believe so, yes. 17 Q. Okay. And what did you do as part of 18 your job duties between her suspension and then 19 the decision to terminate her? 20 MS. TIERNEY: Object to the form. 21 You may answer. 22 THE WITNESS: So, from what I 23 recall, I reviewed the information that 24 Asset Protection had sent over to me, as 25 well as asked some follow-up questions to</p>	<p>Page 79</p> <p>1 Q. Did Kristina tell you that? 2 A. I do not recall whether or not she 3 might have mentioned that to me. 4 Q. Okay. Did anyone tell you that? 5 A. I do not recall anyone telling me 6 that, no. 7 Q. Okay. Did you take any notes during 8 your meeting with Kristina? 9 A. I may have. I can't recall 10 specifically. 11 Q. Okay. And do you know where those 12 notes are, if they exist? 13 A. If they exist, they would probably be 14 with the rest of the documentation. 15 Q. Which is where? 16 A. It would have been in my office. 17 Q. Okay. Is it on a -- in a computer or 18 is it a physical document? 19 A. It may have been a physical document, 20 but I can't be certain whether or not it was 21 physical or computer. 22 Q. Okay. 23 MS. MENDOZA: And we'll request 24 those documents. *****REQUEST 25 MS. TIERNEY: And I've told you</p>

<p>1 before, we produced everything we have. 2 MS. MENDOZA: Okay. 3 BY MS. MENDOZA: 4 Q. And it says there, continuing on: I 5 feel as though I am being completely singled out 6 because so many coworkers were purchasing many 7 handbags during those sales and they were all 8 allowed. Many times managers were there during 9 these sales and they saw what was happening and 10 they allowed it. Same thing goes for the salon 11 shoes. I was told by Richard Law that I went 12 over my limit on shoes. 13 Did you tell Kristina that she went 14 over her limit on the shoes? 15 A. I do not specifically recall telling 16 her that. 17 Q. Okay. Was that a reason for the 18 termination? 19 A. The reason for her termination was 20 based primarily upon the Chanel handbags and 21 possibly the tax evasion. The shoes could have 22 played a part in it, but I don't recall 23 specifically. 24 Q. Okay. Do you recall what the shoe 25 limit was?</p>	<p>Page 80</p>	<p>1 in the document, it says: I was never even aware 2 that there were any limitations on shoes. I 3 asked the shoe manager many times as well as so 4 many of the sales associates in the shoe salon if 5 there was a limit and everyone said no limit. 6 You see that there? 7 A. Yes, yes. 8 Q. Did she tell you that? 9 A. I do not recall her mentioning that to 10 me. 11 Q. Okay. And then it states: As far as 12 me shipping the merchandise I was advised by 13 Victoria when I first started that we are allowed 14 to offer customers as well as coworkers to ship 15 to a state that will -- to a state with no 16 Bloomingdale's or Macy's to save on tax. 17 And did she tell you that? 18 A. I do not recall her telling me that. 19 Q. Okay. And do you know who Victoria is 20 or was? 21 A. That name does not ring a bell at the 22 moment, no. 23 Q. Okay. And then it says: We do it 24 constantly in our department to both customers 25 and coworkers and it has -- and go to the next</p>	<p>Page 82</p>
<p>1 A. Not off the top of my head, no. 2 Q. Did you terminate anyone else for 3 going over the shoe limit? 4 A. I do not believe anyone else was 5 presented to me in reference to going over a shoe 6 limit. 7 Q. How did Bloomingdale's keep track of 8 who was going over the limits? 9 MS. TIERNEY: Object to the form. 10 You may answer. 11 THE WITNESS: I can't say 12 specifically. My sense is that it might 13 have been through Macy's/Bloomingdale's 14 credit services. 15 BY MS. MENDOZA: 16 Q. Okay. And in your department, were 17 you responsible for ensuring that people did not 18 exceed any of the limits? 19 MS. TIERNEY: Object to the form. 20 You can answer, Mr. Law. 21 THE WITNESS: It was -- it was not 22 my job to track which associates purchased 23 what items. 24 BY MS. MENDOZA: 25 Q. Okay. Okay. So going back, it says</p>	<p>Page 81</p>	<p>1 page -- it has not been a problem. Managers are 2 all aware that we do this and never gave anyone 3 any problems. 4 You see that there? 5 A. I do see that. 6 Q. Did she tell you that? 7 A. I do not recall her telling me that. 8 Q. Okay. Then I would also like to state 9 that -- she says: I would also like to state 10 that prior to me meeting with Richard at HR I was 11 suspended for 10 days and I was never aware that 12 I was being suspended. All I was told by Chris 13 from loss prevention is that I was suspended for 14 that day which was the day that they pulled me 15 from the floor. 16 Did you talk to Kristina -- 17 withdrawn. 18 You stated that you didn't talk to 19 Kristina between the time she was suspended and 20 this date, correct? 21 A. Yes. I do not recall having any 22 communication -- having a conversation with her 23 between those days. 24 Q. Okay. 25 MS. MENDOZA: And we can go off the</p>	<p>Page 83</p>

<p>1 screen.</p> <p>2 BY MS. MENDOZA:</p> <p>3 Q. What do you recall Christopher telling</p> <p>4 you about their findings in their investigation?</p> <p>5 A. Are you referring to Chris Castellani?</p> <p>6 Q. Yes.</p> <p>7 A. I seem to recall that Chris told me</p> <p>8 there was an investigation about possible</p> <p>9 discount abuse and tax evasion. I don't really</p> <p>10 remember any more specifics than that.</p> <p>11 Q. Okay. And so then when he told you</p> <p>12 that, then what did you do while Kristina was</p> <p>13 suspended?</p> <p>14 MS. TIERNEY: Object to the form.</p> <p>15 You may answer, Mr. Law.</p> <p>16 THE WITNESS: I think we addressed</p> <p>17 that earlier, but I seem to recall</p> <p>18 reviewing the documents that Chris had</p> <p>19 sent to me as well as the employee</p> <p>20 handbook.</p> <p>21 BY MS. MENDOZA:</p> <p>22 Q. Right. We didn't talk about the tax</p> <p>23 issue, though, before. We were just talking</p> <p>24 about the limits. And so I just wanted to know</p> <p>25 now, as far as the taxes, what did you -- what</p>	<p>Page 84</p> <p>1 Q. I'm trying to understand your answer,</p> <p>2 that's all. So you can rephrase it or restate it</p> <p>3 if you'd like.</p> <p>4 A. So from what I recall, she shipped her</p> <p>5 purchases out of state to evade the taxes for New</p> <p>6 York State, which I believe is a violation of the</p> <p>7 policies.</p> <p>8 Q. Okay. And you're saying that there's</p> <p>9 a policy in the handbook about that?</p> <p>10 A. I don't recall specifically. There</p> <p>11 may have been. But getting back to the premise</p> <p>12 of the question, a large part of my decision was</p> <p>13 based upon the discount abuse and going over the</p> <p>14 purchase limits. And as I might have stated</p> <p>15 previously, the tax portion evasion may have</p> <p>16 played a part in it but I don't recall</p> <p>17 specifically.</p> <p>18 Q. Okay. So what proof did you have to</p> <p>19 substantiate these allegations against Kristina?</p> <p>20 MS. TIERNEY: I'm going to object</p> <p>21 to the form. You may answer.</p> <p>22 THE WITNESS: Can you elaborate</p> <p>23 when you say allegations?</p> <p>24 BY MS. MENDOZA:</p> <p>25 Q. That she was shipping to states to</p>
<p>Page 85</p> <p>1 documents did you look at?</p> <p>2 A. In regard to the taxes?</p> <p>3 Q. Yes.</p> <p>4 A. I believe it may have been the</p> <p>5 transaction receipts.</p> <p>6 Q. Okay. And do you recall if Kristina</p> <p>7 was investigated several times?</p> <p>8 A. Unless it was brought to my attention,</p> <p>9 then no, I wouldn't -- I would not have been</p> <p>10 aware of that.</p> <p>11 Q. Okay. So what -- what was the basis</p> <p>12 for her termination regarding the taxes?</p> <p>13 MS. TIERNEY: I'm going to object</p> <p>14 to the form. You can answer, Mr. Law.</p> <p>15 THE WITNESS: So I seem to recall</p> <p>16 that there might have been something in</p> <p>17 the handbook or the credit card policy</p> <p>18 about evading taxes. I can't recall</p> <p>19 specifically.</p> <p>20 BY MS. MENDOZA:</p> <p>21 Q. So you're saying that you can't recall</p> <p>22 what she did that was evading taxes?</p> <p>23 MS. TIERNEY: Object to the form.</p> <p>24 You may answer.</p> <p>25 BY MS. MENDOZA:</p>	<p>Page 86</p> <p>1 avoid or evade taxes.</p> <p>2 A. By the transaction receipts. The</p> <p>3 transaction receipts clearly state where the</p> <p>4 product was shipped.</p> <p>5 Q. Okay. And in the receipts, are</p> <p>6 they -- is that the same -- withdrawn.</p> <p>7 In the receipts -- we can pull up</p> <p>8 one. In the receipts, if it says sender, right,</p> <p>9 is that if she's ringing up someone or is that</p> <p>10 that she is the sender?</p> <p>11 A. Because I'm not necessarily a sales</p> <p>12 associates or sales manager, I can't answer that</p> <p>13 specifically.</p> <p>14 Q. Okay. So when you looked at the</p> <p>15 receipts, though, what were you looking at?</p> <p>16 A. I believe I may have been looking at</p> <p>17 sender -- no. Shipped to, I think it was shipped</p> <p>18 to.</p> <p>19 Q. Okay. So if it's shipped to -- and</p> <p>20 it's her name but at a different address, that's</p> <p>21 what you were looking at?</p> <p>22 A. That sounds about right.</p> <p>23 Q. Okay. Did she say that she was</p> <p>24 sending purchases to family and friends?</p> <p>25 A. I believe she may have said that, yes.</p>

<p>Page 88</p> <p>1 Q. Is that a violation of the policies?</p> <p>2 A. Broadly speaking, I don't believe so.</p> <p>3 Q. Okay. And what about specifically?</p> <p>4 A. Specifically, again, getting back to</p> <p>5 the discount policy and the number of items</p> <p>6 purchased, then possibly, yes.</p> <p>7 Q. Okay. So -- so did you suspect that</p> <p>8 Kristina was not sending it to family and</p> <p>9 friends?</p> <p>10 A. There was some suspicion, yes.</p> <p>11 Q. Why did you suspect that?</p> <p>12 A. There were some different names on the</p> <p>13 recipients as well as different addresses and</p> <p>14 different locations, as well as the -- what I'm</p> <p>15 going to call the volume of purchases. The</p> <p>16 number of transactions as well as the number of</p> <p>17 items. And the cost of the items.</p> <p>18 Q. Okay.</p> <p>19 MS. TIERNEY: When we get to a</p> <p>20 point, can we take another restroom break?</p> <p>21 We've been going about another hour and a</p> <p>22 half.</p> <p>23 MS. MENDOZA: Yeah. I don't know</p> <p>24 when you want to take a lunch break, I</p> <p>25 know you're an hour behind, so...</p>	<p>Page 90</p> <p>1 MS. TIERNEY: Is this just a</p> <p>2 selection of documents from the</p> <p>3 production? I mean, they don't seem to</p> <p>4 be -- I mean, it's not like one file or</p> <p>5 anything. Is it or is it?</p> <p>6 MS. MENDOZA: No.</p> <p>7 MS. TIERNEY: Okay. So what I</p> <p>8 think we should do, Richard, I really</p> <p>9 don't want you to read 78 pages as we sit</p> <p>10 here.</p> <p>11 I mean, are you just going to ask</p> <p>12 him about the first page initially,</p> <p>13 Melissa?</p> <p>14 MS. MENDOZA: Yes.</p> <p>15 MS. TIERNEY: So let's just read</p> <p>16 the first page and we'll just review each</p> <p>17 page as you ask questions about it, if</p> <p>18 that makes sense. And hopefully that will</p> <p>19 make us move along a little quicker.</p> <p>20 MR. GERBER: Just one second. I</p> <p>21 still do not have that document. I keep</p> <p>22 on refreshing.</p> <p>23 MS. TIERNEY: Oh, shoot, okay.</p> <p>24 MR. GERBER: I'm looking. Now it's</p> <p>25 showing up.</p>
<p>Page 89</p> <p>1 MS. TIERNEY: Yeah, I'm more</p> <p>2 worried about Richard. Don't worry about</p> <p>3 me. I do want him to take a lunch break.</p> <p>4 I don't know if you know how long you're</p> <p>5 going to go, so if we're going to go --</p> <p>6 what is it, 12:30 there. I don't know</p> <p>7 when you normally eat lunch, Richard.</p> <p>8 Can we go off the record?</p> <p>9 (Discussion held off the Record.)</p> <p>10 (Lunch recess.)</p> <p>11 MS. MENDOZA: This will be marked</p> <p>12 as Plaintiff's Exhibit-E.</p> <p>13 (Whereupon Exhibit-E was marked for</p> <p>14 identification.)</p> <p>15 (Document being shown.)</p> <p>16 THE WITNESS: Is that BLM,</p> <p>17 dot-dot-dot, 379?</p> <p>18 MS. TIERNEY: That is correct.</p> <p>19 THE WITNESS: Okay.</p> <p>20 BY MS. MENDOZA:</p> <p>21 Q. Okay. If you would just take a moment</p> <p>22 and look at this document. I don't know if you</p> <p>23 want to look through it all. It's up to you and</p> <p>24 your counsel if you want to look through it all</p> <p>25 or just the pages I'm going to be referring to.</p>	<p>Page 91</p> <p>1 MS. TIERNEY: Okay, good. And it's</p> <p>2 a big one. That may be part of it.</p> <p>3 MR. GERBER: Yep. Thank you.</p> <p>4 MS. TIERNEY: Okay. I think we're</p> <p>5 ready, Melissa, whenever you are.</p> <p>6 Oh, I think you're still looking at</p> <p>7 it, Richard. Sorry.</p> <p>8 THE WITNESS: That's okay. Just</p> <p>9 give me a few moments, please.</p> <p>10 (Reviewing document). Okay, I</p> <p>11 think I'm ready after glancing at the</p> <p>12 first page.</p> <p>13 BY MS. MENDOZA:</p> <p>14 Q. Okay. The first and second page.</p> <p>15 A. Oh, okay.</p> <p>16 Q. 379 to 380.</p> <p>17 MS. TIERNEY: And, Melissa, just so</p> <p>18 we're clear, is Exhibit-E just those two</p> <p>19 pages or are you counting all 78 pages as</p> <p>20 Exhibit-E?</p> <p>21 MS. MENDOZA: I'll count all 78</p> <p>22 pages.</p> <p>23 MS. TIERNEY: Okay.</p> <p>24 THE WITNESS: (Reviewing document).</p> <p>25 Okay.</p>

<p>Page 92</p> <p>1 BY MS. MENDOZA:</p> <p>2 Q. Okay. So, before as we were talking,</p> <p>3 you were referring to the handbag policy that's</p> <p>4 in the employee handbook. Was this -- and this</p> <p>5 that I'm referring to is document Plaintiff's</p> <p>6 Exhibit-E, and it's Bates stamped at the bottom,</p> <p>7 BLM, if you go down, 379 to 380. 000380.</p> <p>8 Is that the policy that you were</p> <p>9 referring to that you made the decision to</p> <p>10 terminate Kristina?</p> <p>11 A. Yes, that is the policy.</p> <p>12 Q. Okay. And so the policy is there in</p> <p>13 the Chanel Handbags, is it -- and I want to be</p> <p>14 clear. Is it the Chanel Handbags policy or was</p> <p>15 it -- at the top it says -- I would assume not,</p> <p>16 but it says general merchandise, all vendors and</p> <p>17 departments except cosmetics and Chanel Handbags.</p> <p>18 A. So I believe I was referring to the</p> <p>19 Chanel Handbags section when I made the</p> <p>20 determination to terminate.</p> <p>21 Q. Okay. All right. So the Chanel</p> <p>22 Handbags. So in order to make handbags available</p> <p>23 to as many of our customers as possible, two</p> <p>24 handbags are the maximum number that may be sold</p> <p>25 in a single transaction -- I'm reading from the</p>	<p>Page 94</p> <p>1 But again, based upon the information provided to</p> <p>2 me, nothing seemed to indicate senior management</p> <p>3 approval nor do I recall, other than what she</p> <p>4 says about the -- the quote-unquote liquidation</p> <p>5 sale, her mentioning anything about senior</p> <p>6 management approval.</p> <p>7 Q. Okay. So, but you're saying that</p> <p>8 that would -- but my question is, would -- where</p> <p>9 would it show up in the information that was</p> <p>10 given to you that if she had senior management</p> <p>11 approval?</p> <p>12 A. I'm not sure if it would necessarily</p> <p>13 show up.</p> <p>14 Q. Okay. Did you ask if she received</p> <p>15 senior management approval?</p> <p>16 A. I do not recall asking her that.</p> <p>17 Q. Okay. And then now we'll look at 381.</p> <p>18 381. And if you -- if you'd like to look at all</p> <p>19 of it because this is part of the -- what was</p> <p>20 submitted to the Unemployment Department of Labor</p> <p>21 for unemployment benefits, so I'll be asking</p> <p>22 questions about that. So if you want to review</p> <p>23 all of that portion, you can.</p> <p>24 MS. TIERNEY: What portion are you</p> <p>25 going to be asking him questions about,</p>
<p>Page 93</p> <p>1 document there -- without senior management</p> <p>2 approval. Stores cannot split transactions or</p> <p>3 tender types to satisfy the requirements of two</p> <p>4 handbags per transaction. Four bags per month</p> <p>5 may be purchased and up to 24 bags per year.</p> <p>6 Both customer and associate transaction history</p> <p>7 is tracked centrally to ensure adherence to the</p> <p>8 above guidelines.</p> <p>9 You see that, right?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. And so, it says there without</p> <p>12 senior management approval as to the -- in the</p> <p>13 first sentence, the two handbags are the maximum</p> <p>14 number. Is -- did you factor that into your</p> <p>15 decision as to whether or not Kristina exceeded</p> <p>16 the limit?</p> <p>17 MS. TIERNEY: I'm going to object</p> <p>18 to the form. You may answer.</p> <p>19 THE WITNESS: There was nothing to</p> <p>20 indicate within the information provided</p> <p>21 to me that she had gotten any form of</p> <p>22 senior management approval.</p> <p>23 BY MS. MENDOZA:</p> <p>24 Q. How would you know that?</p> <p>25 A. Um, I wouldn't necessarily know that.</p>	<p>Page 95</p> <p>1 counsel?</p> <p>2 MS. MENDOZA: About the --</p> <p>3 (Simultaneous speaking.)</p> <p>4 MS. MENDOZA: -- page 420.</p> <p>5 MS. TIERNEY: So you're going to be</p> <p>6 asking him questions all the way down to</p> <p>7 420?</p> <p>8 MS. MENDOZA: Yes.</p> <p>9 MS. TIERNEY: Richard, I want you</p> <p>10 to take your time. You don't have to read</p> <p>11 it word for word but if you haven't</p> <p>12 reviewed something and counsel asks you a</p> <p>13 question about it and you need to review</p> <p>14 it in more detail, then we will take that</p> <p>15 time to do so. So refresh yourself</p> <p>16 with -- you know, see if you recognize any</p> <p>17 of these docs now through Bates number</p> <p>18 420, just to get a comfort level, and then</p> <p>19 we can read it specifically when questions</p> <p>20 are asked.</p> <p>21 THE WITNESS: Okay. So I'm just</p> <p>22 going to scroll through to see if I</p> <p>23 recognize any of these documents; is that</p> <p>24 correct?</p> <p>25 MS. TIERNEY: That is correct.</p>

<p>1 THE WITNESS: Okay. (Reviewing 2 document). 3 MS. TIERNEY: Yeah, a couple of 4 these I can't read. I don't know if you 5 can read them, Richard. 6 THE WITNESS: No, the one I just 7 passed was difficult to read. 8 (Reviewing document). 9 MS. TIERNEY: I think she just 10 wanted you to go to 420, Richard. I think 11 you're past. 12 THE WITNESS: Oh, did I pass it? I 13 apologize. 14 MS. TIERNEY: No, no. No worries. 15 THE WITNESS: Okay. 16 BY MS. MENDOZA: 17 Q. Okay. So if you look at 420, 18 Plaintiff's Exhibit-E, page 420 -- I mean, my 19 apologies, so BLM 000420, Bates stamp 000420 at 20 the bottom right-hand corner? 21 A. Uh-huh. 22 Q. Okay. And you might need to zoom in 23 the page there. 24 A. Okay. Let me just get to the top. 25 Okay.</p>	<p>Page 96</p> <p>1 whole page. 2 MS. MENDOZA: Okay, so then read 3 the page. 4 THE WITNESS: (Reviewing document). 5 Okay. 6 BY MS. MENDOZA: 7 Q. Okay. So it says, What is your 8 company policy relating to this situation? 9 A. Uh-huh. 10 Q. See there it says -- and the response 11 is: All vendors and departments have a purchase 12 limit of 12 units of merchandise by category per 13 customer in a single transaction or within a 14 90-day period. And: Be truthful, honest at all 15 times on all document, records or statements. 16 Do you see that? 17 A. I do. 18 Q. Okay. So that's not the correct 19 policy that we were talking about before, though, 20 correct? 21 A. In my opinion, no. 22 Q. Okay. But it's not what was on page 23 BLM 000380, correct? 24 A. If you're referring to the Chanel 25 policy, then it is not the same policy.</p> <p>Page 98</p>
<p>1 Q. The question is, what is your 2 company -- at the top there it says Equifax, TALX 3 UCM Services and it's dated June 30, 2017. Have 4 you seen this document before? 5 A. I have not. 6 Q. Okay. Did you submit the information 7 regarding Kristina's termination to the 8 Department of Labor? 9 A. I do not recall submitting it to the 10 Department of Labor, no. 11 Q. Okay. So, if you go down to, it says 12 regarding the fax number and then regarding 13 Kristina Mikhaylova, employee ID 72061886. And 14 then it says Dear State Representative, right? 15 You see that there? 16 A. Uh-huh. 17 Q. Okay. So then it says -- if you go 18 all the way down to, What is your company policy 19 relating to this situation? 20 A. Okay. 21 MS. TIERNEY: And, Richard, if you 22 haven't read the whole page, I would want 23 to you read the whole page before you 24 answer any questions. 25 THE WITNESS: I have not read the</p> <p>Page 97</p>	<p>1 Q. Okay. All right. And if you had 2 known about the handbag limits for the 3 liquidation sales, would it have made a 4 difference in your decision to terminate 5 Kristina? 6 MS. TIERNEY: I'm going to object 7 to the form. You may answer. 8 THE WITNESS: It may have. I can't 9 say specifically whether or not it would 10 have. 11 BY MS. MENDOZA: 12 Q. Okay. Okay. And let's go to -- 13 MS. MENDOZA: We can get off this 14 screen now. Thank you. 15 BY MS. MENDOZA: 16 Q. Did you review Kristina's video 17 interview with Christopher Castellani during the 18 investigation period? 19 A. So from what I recall, there was a 20 written statement from Kristina and an AP 21 interview summary, and those are the pieces of -- 22 I did inter -- I did review those pieces of 23 information. 24 Q. Okay. But not the video, correct? 25 A. I do not recall specifically whether</p> <p>Page 99</p>

<p style="text-align: right;">Page 100</p> <p>1 or not there was a video, but I don't recall 2 reviewing any video. 3 Q. Okay. Who else was -- did you work 4 with -- did you work with anyone else on making 5 the decision to terminate Kristina? 6 A. I may have consulted with either 7 Tinbite Yonas or Michelle Ronquillo. 8 Q. And do you recall any of those 9 conversations? 10 A. I do not. 11 Q. Okay. 12 MS. MENDOZA: And if we can open 13 BLM 1486 to 1515, please. 14 THE WITNESS: I'm sorry, what 15 numbers? 16 MS. MENDOZA: 1486 to 1515. 17 THE WITNESS: Okay. 18 MR. GERBER: I'm not seeing those 19 yet. 20 MS. TIERNEY: Yeah, they just 21 popped up for me, Steve, so you may need 22 another refresh. 23 MR. GERBER: Okay. 24 THE WITNESS: Bear with me while I 25 refresh.</p>	<p style="text-align: right;">Page 102</p> <p>1 bottom. 2 A. Uh-huh. 3 Q. And it says at the top it's from 4 Tinbite Yonas and subject Kristina Mikhaylova 5 interview, to Barbara Hoelz, CC Chris and Richard 6 Law, yourself, correct? 7 A. Yes. 8 Q. And it's dated June 7, 2017, right? 9 A. Yes. 10 Q. Okay. And do you recall seeing this 11 e-mail? 12 A. Yes. 13 Q. And who is Barbara Hoelz? 14 A. Barbara Hoelz was another HR 15 executive. I don't recall what her title was. 16 And I believe she was filling out on an interim 17 basis. 18 Q. Okay. And do you know what her 19 involvement was in -- 20 A. Um -- sorry. 21 Q. In Kristina's employment? 22 A. I do not know of what her involvement 23 might have been. 24 Q. Okay. So, did you correspond with her 25 about Kristina's suspension or termination?</p>
<p style="text-align: right;">Page 101</p> <p>1 MS. TIERNEY: Counsel, is this 2 Exhibit-F? 3 MS. MENDOZA: Yes. 4 (Whereupon Exhibit-F was marked for 5 identification.) 6 (Document being shown.) 7 BY MS. MENDOZA: 8 Q. All right. So if you look at 1513, I 9 don't know again if you want to go through it 10 all, but it's not consecutive. This is kind of 11 separated. It's a few different things in here. 12 MS. TIERNEY: Richard, I just ask 13 that you go through each -- you review 14 each page as you're asked questions. That 15 way we can save some time. 16 BY MS. MENDOZA: 17 Q. So if you want to go to 1513? 18 A. Okay, let me see if I can find it. 19 Just bear with me. Okay. 20 Q. Okay. 21 A. Let me read the... (Reviewing 22 document). Okay. 23 Q. Okay. So looking at 1514, it says the 24 document -- this is Plaintiff's Exhibit-F, 25 Bates-stamped BLM 0001514 right there at the</p>	<p style="text-align: right;">Page 103</p> <p>1 A. I think there might have been an 2 e-mail just on an update as to where the 3 investigation was at that point in time. 4 Q. Okay, right. But why would she be 5 concerned as to what the -- what's the update? 6 MS. TIERNEY: Object to the form. 7 You may answer. 8 THE WITNESS: So from what I 9 recall, the HR department was short one HR 10 director at that time and Barbara was 11 filling in. And this might have been 12 basically here's what's going on, FYI. 13 BY MS. MENDOZA: 14 Q. Okay. All right. So let's look at 15 the document, so 1514, where Tinbite -- my 16 apologies. It says -- on June 7, 2017 at 10:19 17 a.m. Barbara Hoelz wrote: Any update on this and 18 was any disciplinary action taken with associate 19 previously? What is her current performance 20 rating and tenure in job? Thanks, b. 21 Right, you see that? 22 A. Uh-huh. 23 Q. And then the response from Tinbite is: 24 Hi, Richard is handling investigation. 25 Right, you see that?</p>

<p>Page 104</p> <p>1 A. Yes.</p> <p>2 Q. Okay. So my question is, why was she</p> <p>3 concerned as to whether any disciplinary action</p> <p>4 was taken?</p> <p>5 MS. TIERNEY: Object to the form.</p> <p>6 You may answer it.</p> <p>7 THE WITNESS: I do not know.</p> <p>8 BY MS. MENDOZA:</p> <p>9 Q. Did you talk to her about Kristina's</p> <p>10 disciplinary actions?</p> <p>11 A. The only correspondence I recall with</p> <p>12 Barbara in this instance was to say something to</p> <p>13 the effect of I was not able to locate any</p> <p>14 disciplinary paperwork within the imaging system.</p> <p>15 Q. Okay. And what is current performance</p> <p>16 rating; what does performance rating mean?</p> <p>17 A. I don't know. That was not part of my</p> <p>18 job.</p> <p>19 Q. Okay. So you don't know what it means</p> <p>20 at all?</p> <p>21 A. I would assume that it means was she a</p> <p>22 satisfactory employee, unsatisfactory, stellar,</p> <p>23 something along those lines. But I cannot speak</p> <p>24 specifically to that.</p> <p>25 Q. Okay. And did you factor or consider</p>	<p>Page 106</p> <p>1 between the responsibilities I handled and the</p> <p>2 rest of the HR directors handled.</p> <p>3 Q. Okay. And so... why was Barbara</p> <p>4 Hoelz -- withdrawn.</p> <p>5 Were you all, HR, involved in every</p> <p>6 employee's investigation?</p> <p>7 MS. TIERNEY: Object to the form.</p> <p>8 You can answer.</p> <p>9 THE WITNESS: No.</p> <p>10 BY MS. MENDOZA:</p> <p>11 Q. Okay. So why was Barbara, Tinbite,</p> <p>12 and yourself all CC'd on this e-mail with</p> <p>13 Christopher Castellani?</p> <p>14 MS. TIERNEY: Object to the form.</p> <p>15 You may answer.</p> <p>16 THE WITNESS: So, I'm not sure</p> <p>17 specifically why Chris might have included</p> <p>18 Tinbite and Barbara other than perhaps</p> <p>19 keeping them in on the loop as to regards</p> <p>20 to the investigation.</p> <p>21 BY MS. MENDOZA:</p> <p>22 Q. Okay. And so, but that's not normal;</p> <p>23 that's not what's supposed to be done, correct?</p> <p>24 MS. TIERNEY: Object to the form.</p> <p>25 You may answer.</p>
<p>Page 105</p> <p>1 Kristina's performance in your decision to</p> <p>2 terminate her?</p> <p>3 A. I did not.</p> <p>4 Q. Okay. Did anyone else?</p> <p>5 A. To my knowledge, no.</p> <p>6 Q. Okay. Did you e-mail back Barbara</p> <p>7 about Kristina's performance?</p> <p>8 A. I believe I did send an e-mail back</p> <p>9 saying something to the effect of, yes, I'm</p> <p>10 handling the investigation, I was not able to</p> <p>11 find any disciplinary paperwork in the imaging</p> <p>12 system, and that she might want to consult with</p> <p>13 Tinbite regarding her performance.</p> <p>14 Q. Okay. And so as to Tinbite then, then</p> <p>15 she was responsible for handling employees'</p> <p>16 performances?</p> <p>17 A. In this case --</p> <p>18 MS. TIERNEY: Objection. You can</p> <p>19 answer.</p> <p>20 THE WITNESS: In this instance I</p> <p>21 believe she would have been, yes.</p> <p>22 BY MS. MENDOZA:</p> <p>23 Q. Okay. Why do you say in this</p> <p>24 instance?</p> <p>25 A. Because there was a delineation</p>	<p>Page 107</p> <p>1 THE WITNESS: From my recollection,</p> <p>2 typically AP and I would partner together</p> <p>3 and then if additional guidance was</p> <p>4 needed, one of the other HR executives</p> <p>5 might be brought in for guidance.</p> <p>6 BY MS. MENDOZA:</p> <p>7 Q. Okay. And did you seek guidance from</p> <p>8 Barbara or Tinbite?</p> <p>9 A. I believe Tinbite and I might have had</p> <p>10 a conversation regarding this.</p> <p>11 Q. And what was that conversation?</p> <p>12 A. I think it was in regards to the</p> <p>13 allegation of her being pregnant.</p> <p>14 Q. Okay.</p> <p>15 A. And whether or not I knew anything</p> <p>16 about it prior.</p> <p>17 Q. Okay. And so Barbara -- withdrawn.</p> <p>18 And so again, why was Barbara</p> <p>19 asking about Kristina's disciplinary action?</p> <p>20 MS. TIERNEY: Object to the form.</p> <p>21 You may answer.</p> <p>22 THE WITNESS: I do not know</p> <p>23 specifically why she was asking me about</p> <p>24 that.</p> <p>25 BY MS. MENDOZA:</p>

<p>Page 108</p> <p>1 Q. Does -- right. And typically whoever, 2 whether it's her position or the position she was 3 in the interim for, is that position usually 4 involved in the investigations with AP and asks 5 about disciplinary action? 6 MS. TIERNEY: Object to the form. 7 You can answer. 8 THE WITNESS: I don't know if 9 there -- I wouldn't say that they're 10 necessarily typically involved in that; 11 again, unless there were questions I might 12 have had on their end or, if they were 13 being kept in the loop, they had 14 questions. 15 BY MS. MENDOZA: 16 Q. I guess my question is, is this 17 unusual? Was this an unusual e-mail? 18 A. In my opinion, no, it was not 19 necessarily unusual. 20 Q. Okay. And would it have made a 21 difference what -- whether Kristina had a good 22 performance or disciplinary action or not? 23 A. It would not have made a difference. 24 Q. Okay. But you don't know why she was 25 asking?</p>	<p>Page 110</p> <p>1 72061886, this afternoon based on investigation 2 indicating discount abuse -- 3 COURT REPORTER: Counsel, I need 4 you to slow down. 5 BY MS. MENDOZA: 6 Q. This afternoon based on investigation 7 indicating discount abuse and potential diverter 8 reseller activity. 9 Why was this e-mail not sent to you 10 first? 11 MS. TIERNEY: Object to the form. 12 You may answer. 13 THE WITNESS: I do not know why. 14 BY MS. MENDOZA: 15 Q. Sorry, withdraw it. 16 Why did Christopher not address it 17 to you and instead to Tinbite? 18 MS. TIERNEY: Object to the form. 19 You may answer. 20 THE WITNESS: I do not know why. 21 BY MS. MENDOZA: 22 Q. Okay. And next question is, typically 23 when -- before Asset Protection goes to you, do 24 they first go to Tinbite? 25 MS. TIERNEY: Object to the form.</p>
<p>Page 109</p> <p>1 A. That is correct, I do not know why. 2 Q. Okay. Okay. And then if we look at 3 1513. And just looking at -- since it's from 4 Tinbite to you, then below that it's from Chris 5 to Tinbite, CC David Rey, Sarah Shaw, Lily Flast. 6 You see that there? 7 A. I do. 8 Q. Okay. Who is David Rey? 9 A. David Rey, I believe was another Asset 10 Protection manager. 11 Q. Okay. And Sarah Shaw, who is she? 12 A. Sarah Shaw was the vice president/ 13 general manager of the group that Chanel 14 ultimately reported in to. 15 Q. Okay. So was she above Cathy Younis? 16 A. I believe so, yes. 17 Q. Okay. And who's Lily Flast? 18 A. Lily Flast, I don't recall her 19 specific title but she was something like a group 20 manager, which I think at the time she may have 21 been in charge of all handbags. 22 Q. Okay. All right. So in this, it's 23 addressed to Tinbite: We'll be speaking -- from 24 Christopher Castellani -- we will be speaking to 25 Chanel Handbags associate Kristina Mikhaylova,</p>	<p>Page 111</p> <p>1 You can answer. 2 THE WITNESS: I think it depends 3 upon which HR director the associate fell 4 under. 5 BY MS. MENDOZA: 6 Q. Okay. And did she fall under Tinbite? 7 A. At that point in time, I believe she 8 did. 9 Q. Okay. So then why did Christopher 10 then partner with you to suspend Kristina? 11 MS. TIERNEY: I'm going to object 12 to the form. You can answer. 13 THE WITNESS: My only explanation 14 for why he might have partnered with me is 15 because I was the one who does the 16 investigations. 17 BY MS. MENDOZA: 18 Q. Okay. Going back to the document, it 19 says: Ms. Mikhaylova was spoken to previously, 20 2/4/2017, for her high level of fraudulent credit 21 card transactions. During that interview and 22 follow-up it appears she followed P&P around the 23 MEMO order process. 24 Do you see that there? 25 A. I do.</p>

<p>Page 112</p> <p>1 Q. Okay. And if we go up to BLM 0001510</p> <p>2 and BLM 0001511, you see that? Let me know when</p> <p>3 you're there.</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And so you see that that's a</p> <p>6 statement from Kristina, right, on 1510, BLM</p> <p>7 1510?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. And is that the statement that</p> <p>10 you looked at?</p> <p>11 MS. TIERNEY: Richard, take a look</p> <p>12 at it and read through it and make sure</p> <p>13 and refresh yourself, please.</p> <p>14 THE WITNESS: (Reviewing document).</p> <p>15 Okay. This appears to be the statement</p> <p>16 that I had seen, yes.</p> <p>17 BY MS. MENDOZA:</p> <p>18 Q. Okay. And then on the next page,</p> <p>19 1511, that's the Bloomingdale's Consent to</p> <p>20 Interview and it says: I understand that this</p> <p>21 meeting with a representative of Bloomingdale's</p> <p>22 Asset Protection will be recorded in both a video</p> <p>23 and audio format. It is fully understood that</p> <p>24 this recording is taking place and that I give my</p> <p>25 informed consent to record this meeting.</p>	<p>Page 114</p> <p>1 you're there?</p> <p>2 A. I'm on the page. I haven't read it</p> <p>3 yet.</p> <p>4 Q. Okay.</p> <p>5 A. (Reviewing document). Okay.</p> <p>6 Q. Okay. So it says there it's an e-mail</p> <p>7 from Abraham Gonzalez. Do you know who that is?</p> <p>8 A. I do not.</p> <p>9 Q. Okay. And it's sent Thursday, June 1,</p> <p>10 2017 and it's to Christopher Castellani and Fred</p> <p>11 Becker. You see that there?</p> <p>12 A. I see that.</p> <p>13 Q. Okay. And it says third party -- in</p> <p>14 the subject, third party store send top</p> <p>15 associates. Do you see that?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. And then it says: Chris, Fred,</p> <p>18 I've attached a spreadsheet with information</p> <p>19 pertaining to three individuals at 59th Street</p> <p>20 that contribute to 35 percent of all fraud store</p> <p>21 sends.</p> <p>22 Do you see that?</p> <p>23 A. Yes.</p> <p>24 Q. Do you know what fraud store sends</p> <p>25 are?</p>
<p>Page 113</p> <p>1 Do you see that there?</p> <p>2 A. I do.</p> <p>3 Q. And it's signed by Kristina and it's</p> <p>4 dated 6/16/17. You see that, right?</p> <p>5 A. Yes.</p> <p>6 Q. But you don't recall seeing an audio</p> <p>7 or video, correct?</p> <p>8 A. That is correct.</p> <p>9 Q. Okay. And in these types of</p> <p>10 investigations, do you typically review those</p> <p>11 videos or recordings?</p> <p>12 A. I would say probably, yes.</p> <p>13 Q. Okay. And why didn't you do it for</p> <p>14 her?</p> <p>15 A. I do not recall receiving a video or</p> <p>16 audio from the interview.</p> <p>17 Q. Okay. Do you recall asking for it?</p> <p>18 A. I do not recall whether or not I asked</p> <p>19 for it.</p> <p>20 Q. All right. And do you -- what is the</p> <p>21 difference -- do you know the difference between</p> <p>22 credit card fraud versus -- withdrawn.</p> <p>23 Let's go to document 1494.</p> <p>24 A. Okay.</p> <p>25 Q. It's on the same exhibit. All right,</p>	<p>Page 115</p> <p>1 A. Not particularly, no.</p> <p>2 Q. Okay. And it says -- if you look</p> <p>3 at -- it says: I took a look at 72061886. Our</p> <p>4 associate looks completely unrelated to the</p> <p>5 customers. You can tell it's fraud because the</p> <p>6 addresses and phone numbers come back to</p> <p>7 different folks, as do the card numbers.</p> <p>8 You see that there, right?</p> <p>9 A. I do.</p> <p>10 Q. Okay. And so if you go down to 1496.</p> <p>11 And so you see it says the name, it says Margaret</p> <p>12 Roberts, right?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. And so this is -- well,</p> <p>15 actually, have you seen this document before?</p> <p>16 A. I have not.</p> <p>17 Q. Okay. Have you ever seen a Memo Order</p> <p>18 before?</p> <p>19 A. I may have seen a blank memo form</p> <p>20 during training, but I don't recall seeing it</p> <p>21 after that.</p> <p>22 Q. Okay. So then if we go to 1497 now,</p> <p>23 BLM 1497, 1498. Okay. It says send to</p> <p>24 name/address, right?</p> <p>25 A. Yes.</p>

<p>Page 116</p> <p>1 Q. Okay. And then this is a receipt, 2 transaction receipt. And then it says -- it's an 3 address, Margaret Roberts. And then sender, it 4 says Kristina Chanel, right? 5 A. Yes. 6 Q. Okay. And so like we were talking, I 7 asked you before, when you were reviewing the 8 receipts for Kristina's purchases, though, you 9 said that it would have said shipped to? 10 A. That sounds about right. 11 Q. Okay. And therefore, credit card 12 fraud transactions is not the same as discount 13 abuse, is it? 14 MS. TIERNEY: Object to the form. 15 You may answer. 16 THE WITNESS: I don't think I 17 really have the expertise to answer that. 18 BY MS. MENDOZA: 19 Q. When you were -- did you ever 20 terminate anybody for credit card fraud? 21 A. Not that I recall. 22 Q. Okay. So, were any employees ever -- 23 withdrawn. 24 MS. MENDOZA: And we can now get 25 off this screen. Thank you.</p>	<p>Page 118</p> <p>1 A. I do now. 2 Q. Okay. And it's sent from -- the 3 forwarded message is from Kristina to you. And 4 it says: Hi Richard, This is Kristina Mikhaylova 5 from the Chanel Handbag department. I am 6 reaching out to you because I need to know the 7 status of my suspension. And then she states: 8 Chris stated that it will be reviewed tomorrow 9 which would be Wednesday morning by Richard and I 10 would be contacted prior to my 12 p.m. shift. He 11 told me not to come into work unless I hear from 12 you. Today is Thursday June 8th after 6 p.m. 13 and I have still yet to hear from you or anyone 14 from HR. I would like to know how long is my 15 suspension for and is my suspension because I am 16 pregnant? If you have any further questions 17 please contact me. And all the best, Kristina. 18 You see that, right? 19 A. I do. 20 Q. And would you consider that a 21 complaint of pregnancy discrimination? 22 A. Well, as I might have stated 23 previously, this is the first that I believe that 24 I was made aware that she was saying she was 25 pregnant.</p>
<p>Page 117</p> <p>1 This will be Plaintiff's Exhibit-G 2 and it's BLM 1531 to 32. 3 (Whereupon Exhibit-G was marked for 4 identification.) 5 (Document being shown.) 6 BY MS. MENDOZA: 7 Q. Take a moment to look at the document 8 and then let me know when you're done. 9 A. I don't see anything that specifically 10 says G. I have a BLM 001486 dash 1515. 11 Q. No, it's 1531, BLM 1531 to 32. 12 A. I don't think I have that yet. 13 MS. TIERNEY: No, I don't either. 14 MS. MENDOZA: Okay. 15 (Discussion held off the Record.) 16 THE WITNESS: Okay. 17 BY MS. MENDOZA: 18 Q. Okay. So Plaintiff's Exhibit-G. 19 1531, 1532. If you look at BLM 001531, and the 20 e-mail is from you, sent Thursday, June 8, 2017 21 to Tinbite Yonas, Chris Castellani, Barbara 22 Hoelz. Subject is, forward, Kristina Mikhaylova/ 23 Chanel Handbags and -- do you see that? 24 A. I do. 25 Q. Okay. Do you recall this e-mail?</p>	<p>Page 119</p> <p>1 Q. Okay. And would you consider that a 2 complaint of pregnancy discrimination? 3 A. No. 4 Q. Okay. And would you consider that a 5 complaint of pregnancy retaliation? 6 A. No. 7 Q. Okay. And why not? 8 A. To my knowledge, up until this e-mail 9 I was not aware of anyone knowing that she was 10 pregnant. 11 Q. Okay. And so now that you had this 12 information, do you recall what you did 13 afterward? 14 A. Well, based upon the e-mail in front 15 of me here, it appears I spoke to Kristina and 16 informed her that her suspension was not 17 associated with her being pregnant whatsoever. 18 Q. Okay, right. So referring back to the 19 document, you're referring to your e-mail to 20 Tinbite, Chris Castellani, Barbara Hoelz, 21 stating: FYI only, I spoke to Kristina and 22 informed her that she is still on suspension 23 until further notice and that the investigation 24 is not related to her medical condition. 25 Right?</p>

<p>Page 120</p> <p>1 A. Yes.</p> <p>2 Q. And what was her medical condition?</p> <p>3 A. Well, she's stating that she was</p> <p>4 pregnant.</p> <p>5 Q. Okay. And did you do any</p> <p>6 investigation into whether anybody else knew</p> <p>7 whether she was pregnant?</p> <p>8 A. I do not recall whether or not I</p> <p>9 reached out to anybody in terms of her stated</p> <p>10 pregnancy.</p> <p>11 Q. Okay. So did you -- were you supposed</p> <p>12 to do an investigation based on her complaint in</p> <p>13 her e-mail if that was because of her pregnancy?</p> <p>14 MS. TIERNEY: Object to the form.</p> <p>15 THE WITNESS: It's possible. I</p> <p>16 don't recall whether or not an</p> <p>17 investigation was done.</p> <p>18 BY MS. MENDOZA:</p> <p>19 Q. Okay. Okay. So if -- if any</p> <p>20 employee -- as per the company's policies, if an</p> <p>21 employee comes to you and says that I think this</p> <p>22 is happening because of my pregnancy, is that a</p> <p>23 complaint of discrimination or retaliation?</p> <p>24 MS. TIERNEY: Object to the form.</p> <p>25 You may answer.</p>	<p>Page 122</p> <p>1 request those records. ****REQUEST</p> <p>2 MS. TIERNEY: Counsel, I've given</p> <p>3 you what we've got. I don't know how many</p> <p>4 times I get to say that, but there you</p> <p>5 have it.</p> <p>6 BY MS. MENDOZA:</p> <p>7 Q. And would that have fallen under your</p> <p>8 responsibilities still or does that go on to some</p> <p>9 other HR executive?</p> <p>10 A. In terms of investigating her</p> <p>11 pregnancy?</p> <p>12 Q. Those complaints, yes.</p> <p>13 A. It probably fell under mine.</p> <p>14 Q. Okay. And then looking back at the</p> <p>15 document, you write: Separately, I also informed</p> <p>16 Cathy Younis and Dennis Diaz that Kristina is</p> <p>17 still on suspension until further notice.</p> <p>18 Do you recall that conversation</p> <p>19 that you had with them?</p> <p>20 A. I don't recall specifically whether it</p> <p>21 was a conversation or a quick e-mail.</p> <p>22 Q. Okay. Do you know who replaced</p> <p>23 Kristina?</p> <p>24 A. Are you referring to her in her</p> <p>25 position as a selling associate?</p>
<p>Page 121</p> <p>1 THE WITNESS: I suppose it could</p> <p>2 be.</p> <p>3 BY MS. MENDOZA:</p> <p>4 Q. And then would -- under the policy,</p> <p>5 would an investigation be conducted?</p> <p>6 A. I would say probably.</p> <p>7 Q. Okay. And that didn't happen here,</p> <p>8 right?</p> <p>9 A. I do not recall --</p> <p>10 MS. TIERNEY: Objection. Go ahead,</p> <p>11 you can answer.</p> <p>12 THE WITNESS: I do not recall</p> <p>13 whether or not I conducted an</p> <p>14 investigation.</p> <p>15 BY MS. MENDOZA:</p> <p>16 Q. Is there any documents that can</p> <p>17 refresh your memory?</p> <p>18 A. I do not recall.</p> <p>19 Q. Would it be stored anywhere, if an</p> <p>20 investigation was done?</p> <p>21 A. If an investigation was done, I would</p> <p>22 suppose that there might be some sort of</p> <p>23 documentation, either physically or digitally.</p> <p>24 Q. Okay.</p> <p>25 MS. MENDOZA: And we'll obviously</p>	<p>Page 123</p> <p>1 Q. Yes.</p> <p>2 A. No, I do not.</p> <p>3 Q. Okay.</p> <p>4 MS. MENDOZA: And you can get off</p> <p>5 this screen now. Thank you.</p> <p>6 BY MS. MENDOZA:</p> <p>7 Q. And did you look into -- withdrawn.</p> <p>8 As part of your investigation while</p> <p>9 Kristina was suspended, did you look at the</p> <p>10 addresses that Kristina sent -- was making</p> <p>11 purchases sent to?</p> <p>12 A. I do recall looking at the addresses,</p> <p>13 yes.</p> <p>14 Q. Okay. Were any other employees also</p> <p>15 sending to the same addresses?</p> <p>16 A. From what I recall, there may have</p> <p>17 been, but I can't say specifically.</p> <p>18 Q. Okay. And after Kristina was</p> <p>19 terminated, did Asset Protection continue</p> <p>20 investigating Kristina?</p> <p>21 MS. TIERNEY: Objection --</p> <p>22 THE WITNESS: Um -- go ahead,</p> <p>23 Betty.</p> <p>24 MS. TIERNEY: Just object to the</p> <p>25 form. You can answer.</p>

<p>Page 124</p> <p>1 THE WITNESS: I would not know.</p> <p>2 BY MS. MENDOZA:</p> <p>3 Q. Okay. And was Kristina a diverter?</p> <p>4 MS. TIERNEY: Object to the form.</p> <p>5 You can answer.</p> <p>6 THE WITNESS: Based upon the</p> <p>7 information provided to me, I believe she</p> <p>8 was a diverter.</p> <p>9 BY MS. MENDOZA:</p> <p>10 Q. And what is a diverter?</p> <p>11 A. Broadly speaking, a diverter is</p> <p>12 someone who purchases merchandise and provides it</p> <p>13 to another seller who is not necessarily</p> <p>14 authorized, for that second seller to sell this</p> <p>15 particular type of merchandise.</p> <p>16 Q. Okay. And what proof did you have for</p> <p>17 that?</p> <p>18 A. The, I'm going to call it the volume</p> <p>19 and frequency of purchases. The shipping to</p> <p>20 different addresses out of state. I think there</p> <p>21 might have been some comment from Asset</p> <p>22 Protection that one of the addresses being</p> <p>23 shipped to was a known diverter. I don't recall</p> <p>24 that specifically.</p> <p>25 Q. Okay. So did you -- but these were</p>	<p>Page 126</p> <p>1 Q. Okay. And how many other employees</p> <p>2 did you investigate that had the same</p> <p>3 frequency -- withdrawn.</p> <p>4 How many other employees were you</p> <p>5 aware of that were sending to the same addresses</p> <p>6 as Kristina?</p> <p>7 A. From my recollection, I believe there</p> <p>8 may have been two, possibly three.</p> <p>9 Q. Okay. And were all of those people</p> <p>10 fired?</p> <p>11 A. From what I recall, no.</p> <p>12 Q. And why not?</p> <p>13 A. There was one instance where one</p> <p>14 person was fired and one instance where the</p> <p>15 person was not fired because I did not feel there</p> <p>16 was enough supporting evidence to deem a</p> <p>17 termination.</p> <p>18 Q. Okay. And are you talking about Tyler</p> <p>19 Rose?</p> <p>20 A. Yes.</p> <p>21 Q. And did he work in the Chanel Handbag</p> <p>22 department?</p> <p>23 A. I don't recall specifically what</p> <p>24 department he worked in, but he may have.</p> <p>25 Q. Okay. So...</p>
<p>Page 125</p> <p>1 all suspicions, correct?</p> <p>2 A. Correct.</p> <p>3 Q. Okay. So nothing was actually proven,</p> <p>4 correct?</p> <p>5 MS. TIERNEY: Object to the form.</p> <p>6 You can answer, Mr. Law.</p> <p>7 THE WITNESS: From a diverter point</p> <p>8 of view, no.</p> <p>9 BY MS. MENDOZA:</p> <p>10 Q. Can someone be considered a diverter</p> <p>11 if they are -- withdrawn.</p> <p>12 Is it illegal -- withdrawn.</p> <p>13 Was it a violation of the company's</p> <p>14 policy for Kristina to have purchased something</p> <p>15 for her family, friends who live in a state that</p> <p>16 doesn't have tax, and instead of just taking it</p> <p>17 home, she instead just had it shipped directly to</p> <p>18 them so that she didn't have to pay the New York</p> <p>19 sales tax; was there anything wrong with that?</p> <p>20 MS. TIERNEY: I'm going to object</p> <p>21 to the form. Subject to that, you may</p> <p>22 answer.</p> <p>23 THE WITNESS: Broadly speaking, no,</p> <p>24 I don't think that's a violation.</p> <p>25 BY MS. MENDOZA:</p>	<p>Page 127</p> <p>1 MS. MENDOZA: Sorry, the document</p> <p>2 didn't upload, so I'm going to wait for it</p> <p>3 to upload. But in the meantime we can</p> <p>4 look at 1576. Yeah, we can open up 1576.</p> <p>5 It will be 1576 to 1605. It's a little</p> <p>6 blurry.</p> <p>7 MS. TIERNEY: This is H?</p> <p>8 MS. MENDOZA: Yes, Plaintiff's</p> <p>9 Exhibit-H.</p> <p>10 (Whereupon Exhibit-H was marked for</p> <p>11 identification.)</p> <p>12 (Document being shown.)</p> <p>13 MS. MENDOZA:</p> <p>14 THE WITNESS: You said 1576 to</p> <p>15 1605?</p> <p>16 BY MS. MENDOZA:</p> <p>17 Q. Yes.</p> <p>18 A. Okay. Got it.</p> <p>19 (Discussion held off the Record.)</p> <p>20 MS. TIERNEY: Take your time,</p> <p>21 Richard, and please read through the whole</p> <p>22 thing.</p> <p>23 THE WITNESS: Okay. (Reviewing</p> <p>24 document).</p> <p>25 MS. TIERNEY: Counsel, while he's</p>

<p>1 reviewing this can we take a short 2 restroom break? 3 MS. MENDOZA: Sure. We'll do five 4 minutes, 2:20. 5 (Discussion held off the Record.) 6 (Brief recess.) 7 BY MS. MENDOZA: 8 Q. So, Tyler Rose -- this is Plaintiff's 9 Exhibit-H. And looking at Bates stamp BLM 001576 10 in the bottom right corner on the first page 11 there. This is an investigate summary for Tyler 12 Rose. Have you seen this document before? 13 A. Yes, I have. 14 Q. When did you see this document? 15 A. It was probably during my time at 16 Bloomingdale's. 17 Q. Okay. And during your time at 18 Bloomingdale's, was it during an investigation 19 for Tyler Rose? 20 A. Yes. 21 Q. Okay. And what was the investigation 22 for? 23 A. The investigation, from what I recall, 24 was a result of allegations of selling to other 25 individuals who should be receiving the product.</p>	<p>Page 128</p>	<p>1 specifically. 2 Q. So if he sent it to a potential -- or 3 what may have been considered a known reseller, 4 wouldn't that have been a violation of policy? 5 A. I would say potentially, yes. 6 Although it was one instance, not multiple 7 instances like some of the other individuals. 8 Q. Okay. So the difference between 9 him -- what was the difference between him and 10 Kristina? 11 A. The difference between him and 12 Kristina in my mind was that Kristina had 13 numerous transactions with numerous items sent to 14 numerous locations out of state, whereas Tyler, 15 in my opinion, was just one instance and it 16 wasn't clear to me that there was sufficient 17 information to support terminating him. 18 Q. Okay. Except his statement, correct? 19 MS. TIERNEY: Object to the form. 20 You may answer. 21 THE WITNESS: Yes. 22 BY MS. MENDOZA: 23 Q. Okay. And if we go to the next 24 document, 1577. So it says the purchase that he 25 made was sent to -- was being sent to an address</p>	<p>Page 130</p>
<p>1 Q. Okay. And Tyler sent to the same 2 address as Kristina, it's alleged, correct? 3 A. I believe so, yes. 4 Q. Okay. And in this document, if you 5 look down it says: Violations, discount abuse, 6 tax evasion, reselling. Rose shipped his 7 personal Chanel Handbag purchase -- a purchase 8 address in New Hampshire where the shipping fee 9 is waived. On 4/21/2017 purchases were made and 10 shipped to Yu Yu Lai. 11 And there's an address there, 12 right, you see that there? 13 A. I do. 14 Q. Okay. And so what was the -- what was 15 your determination or findings? 16 A. So my determination was that it was 17 one instance where he sent it to this address. I 18 didn't think that was strong enough to proceed 19 further with any disciplinary actions. He 20 mentioned that it was a gift for someone. And he 21 didn't make any other mention in terms of what 22 might be perceived as a violation of policy. 23 Q. Okay. But is that -- was the person 24 that he sent it to the known reseller? 25 A. It might have been. I don't recall</p>	<p>Page 129</p>	<p>1 in Boston Massachusetts, right? 2 A. Yes. 3 Q. And the address that he sent to that 4 was the same as Kristina was in Manchester, New 5 Hampshire, correct? 6 A. I don't recall specifically, but it 7 may have been. 8 Q. If you look at 1576. 9 A. Bear with me. (Reviewing document). 10 Okay. 11 Q. Do you see where it says under 12 the discount -- violations, discount abuse: Rose 13 shipped his personal Chanel Handbag purchase to 14 an address in New Hampshire. Right, then -- 15 okay. And then it says: This address is for a 16 UPS shipping store. It is also the same address 17 used by Mikhaylova who was terminated on 6/6/17 18 for what she claimed to be tax evasion. 19 Do you see that? 20 A. I do. 21 Q. Okay. And do you know why it says, 22 for what she claimed to be tax evasion? 23 A. No. 24 Q. Okay. And so they did not send -- and 25 then it says -- sorry. And then if you go down</p>	<p>Page 131</p>

<p style="text-align: right;">Page 132</p> <p>1 to that same page, Findings and Recommendations, 2 UPS Shipping Location, the merchandise was sent 3 to Yu Yu Lai, Manchester, New Hampshire. Yu Yu 4 Lai is the owner of a high-end boutique called 5 X-Closet in Boston, Massachusetts. 6 Do you see that? 7 A. I do. 8 Q. Okay. And then to 1577. So then my 9 question is that Tyler admitted to sending it to 10 Boston, Massachusetts, correct? 11 A. Yes. 12 Q. Okay. So it's not the same address 13 that he was sending to as Kristina, right? The 14 New Hampshire address? 15 A. Well, Boston is not in New Hampshire, 16 so then, no. 17 Q. So he was sending it directly to the 18 known -- this potential boutique X-Closet in 19 Boston, Massachusetts, right? 20 MS. TIERNEY: Object to the form. 21 You may answer, I'm sorry. 22 THE WITNESS: It would appear that 23 way. 24 BY MS. MENDOZA: 25 Q. Okay. And then if you go for --</p>	<p style="text-align: right;">Page 134</p> <p>1 about his performance. 2 Q. Okay. And Tyler Rose was not fired, 3 right? 4 A. That is correct. 5 Q. And was he suspended -- my 6 apologies -- did he receive any written warning? 7 A. In what regard? 8 Q. Did he receive any write-up for 9 anything, any disciplinary action? 10 A. Based upon this transaction or 11 something else? 12 Q. Based on this investigation, the 13 outcome of this investigation? 14 A. To my recollection, no, he did not. 15 Q. Okay. And so Martha Weh, BLM 001584, 16 this is the Martha Weh that you mentioned 17 earlier, right? 18 A. I believe so, yes. 19 Q. Okay. And Martha Weh was terminated, 20 correct? 21 A. I believe so. 22 Q. And why was she terminated? 23 A. From what I recall, for violation of 24 the discount policy. 25 Q. And what specifically did she violate?</p>
<p style="text-align: right;">Page 133</p> <p>1 sorry, 1578. 4/21 -- it's the transaction 2 detail, 4/21/17. Was that the receipt for 3 Tyler's transaction? 4 MS. TIERNEY: Object to the form. 5 You may answer. 6 THE WITNESS: I can't say 7 specifically. 8 BY MS. MENDOZA: 9 Q. Okay. Do you recall looking at the 10 actual receipt for him? 11 A. I may have. I don't recall 12 specifically. 13 Q. Okay. And did you look at Tyler's 14 performance? 15 A. I did not. 16 Q. Okay. You did not. Or any 17 disciplinary action taken against him? 18 A. No, I don't recall looking at any of 19 that. 20 Q. Did anyone else? 21 A. I do not know. 22 Q. Okay. Well, were there -- do you know 23 if anyone asked you or discussed his performance 24 at that time? 25 A. I do not recall anybody asking me</p>	<p style="text-align: right;">Page 135</p> <p>1 A. Shipping out of state to -- purchasing 2 items, shipping out of state to -- sorry. 3 Purchasing items in quantities that may have 4 exceeded the discount policy and shipping them 5 out of state. 6 Q. Okay. So she sent to -- it says on 7 1/25/2017 -- I'm looking at 1584 under 8 Violations: Weh shipped her personal Chanel 9 Handbag to two addresses in New Hampshire where 10 the shipping fee is waived. On 1/25/17 and 11 2/15/17 purchases were made and shipped to Yu Yu 12 Lai in New Hampshire. 13 Right, that's what it says? 14 A. Yes. 15 Q. Okay. And so those were the two -- 16 that was the same address -- it says it's also 17 the same address used by Mikhaylova who was 18 terminated on 6/17[sic]. 19 You see that there, right? 20 A. Yes. 21 Q. Okay. And so you're saying the 22 difference between her and Tyler is that she had 23 multiple shipping? 24 A. Yes. 25 Q. Okay. But many employees are allowed</p>

Page 136

1 to ship purchases out of state, correct?

2 MS. TIERNEY: Object to the form.

3 You may answer.

4 THE WITNESS: I believe so, yes.

5 BY MS. MENDOZA:

6 Q. Okay. So what was the -- what was the

7 violation that she was doing?

8 A. So I believe the violation was

9 shipping to the known reseller.

10 Q. Okay. And then if you look at 1589,

11 you see that there's a list of -- it says

12 location, N, pickup date, receiver, N, receiver,

13 company name. Reference 1, name, hire date. Do

14 you see that there?

15 A. Yes.

16 Q. And have you seen this document

17 before?

18 A. I do not recall seeing this document.

19 Q. Okay. Do you need to look at the

20 document first? And then I can ask you questions

21 on it.

22 A. (Reviewing document). Okay.

23 Q. So --

24 MR. GERBER: Counsel, I'm sorry,

25 what is the Bates number, the vision --

Page 137

1 the view that Richard is looking at. BLM

2 what?

3 MS. MENDOZA: 1589.

4 MR. GERBER: Thank you.

5 BY MS. MENDOZA:

6 Q. Okay. So you don't recall seeing this

7 document before?

8 A. Not that I recall, no.

9 Q. Okay. And do you recall seeing any of

10 documents 1590, 1591?

11 A. No, I do not recall seeing that

12 document, or those document numbers.

13 Q. Okay. And these are pertaining to

14 that person Yu Yu, correct?

15 A. It appears that way, yes.

16 Q. And that X-Closet boutique, right,

17 that's what it says there?

18 A. Um, yes.

19 Q. Okay. And looking at 1594 it says

20 send purchase 10/23/2016, the transaction, and

21 there's no one's name, right?

22 A. Correct.

23 Q. Okay. And then on the next one, BLM

24 001595, it says presale 1/25/17 and then the

25 selling associate. And that's Kristina's

Page 138

1 numbers, right?

2 A. I do not know Kristina's number off

3 the top of my head.

4 Q. Okay. It says 72061886. And it says

5 send on 1/26/17 and it says regular

6 Bloomingdale's Martha Weh, right?

7 A. Yes.

8 Q. Send to name/address, Yu Yu Lai. You

9 see that?

10 A. Yes.

11 Q. Okay. So that's Martha Weh --

12 withdrawn.

13 Am I reading this right that it's

14 Martha Weh making a purchase to send to Yu Yu

15 Lai?

16 A. I'm not well versed in transaction

17 details.

18 Q. Right. I'm asking when you were

19 reviewing the receipts, the transactions, if

20 that's what you were looking at to confirm that

21 the person was sending it to that address?

22 A. That's probably what I was looking at,

23 yes.

24 Q. Okay.

25 MS. MENDOZA: And we can get off

Page 139

1 that screen now, thank you.

2 So if we look at Bates stamp 17 --

3 sorry, what is BLM 1709. It's document

4 1709, Tyler Rose.

5 THE WITNESS: Is that a new exhibit

6 or the same exhibit?

7 MS. MENDOZA: It would be a new

8 exhibit. My apologies. Exhibit-I.

9 (Whereupon Exhibit-I was marked for

10 identification.)

11 (Document being shown.)

12 MS. MENDOZA: It just takes a

13 moment to load the document.

14 THE WITNESS: I haven't received it

15 yet.

16 MS. TIERNEY: Nor have I.

17 THE WITNESS: There it is.

18 (Reviewing document). Okay.

19 BY MS. MENDOZA:

20 Q. Okay. You looked at the document?

21 A. I did.

22 Q. Okay. And so this is an e-mail from

23 you, subject is regarding pending suspensions, to

24 Michelle Ronquillo, Susan Wright, Tinbite Yonas,

25 right?

<p>Page 140</p> <p>1 A. Yes.</p> <p>2 Q. And the date is November 3, 2017?</p> <p>3 A. Yes.</p> <p>4 Q. And it says: I spoke with Dan Niski</p> <p>5 and one of the two investigators, Ulanda Fulford,</p> <p>6 regarding the Chanel associates on suspension.</p> <p>7 And Dan, who's Dan?</p> <p>8 A. I don't recall his exact title. I</p> <p>9 believe he might be part of corporate AP.</p> <p>10 Q. Okay. And Ulanda or Ulanda Fulford,</p> <p>11 who is she?</p> <p>12 A. I think she was also part of corporate</p> <p>13 AP.</p> <p>14 Q. Okay. And I don't know if we already</p> <p>15 mentioned it, but who is Susan Wright?</p> <p>16 A. Susan Wright was a fellow HR director.</p> <p>17 Q. Okay. Was she there at the time of</p> <p>18 Kristina Mikhaylova?</p> <p>19 A. I do not recall specifically.</p> <p>20 Q. Okay. So it says: Tyler Rose. One</p> <p>21 transaction, he mentioned it was a gift for</p> <p>22 someone, he made a payment to his card prior to</p> <p>23 using his card to make the purchase. After</p> <p>24 further discussion --</p> <p>25 A. I'm sorry. Let me put you on hold</p>	<p>Page 142</p> <p>1 to making the purchases.</p> <p>2 Okay. And so here you also state</p> <p>3 at the bottom: On a related note, per Fred</p> <p>4 Becker, most of the transactions in question were</p> <p>5 rung by Kristina Mikhaylova.</p> <p>6 Right, that's what it says there?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. And did it make a difference if</p> <p>9 Martha said it was a gift, if she was sending</p> <p>10 gifts?</p> <p>11 A. I don't recall specifically, but I'm</p> <p>12 not sure that it would have.</p> <p>13 Q. Okay. All right.</p> <p>14 MS. MENDOZA: And we can get off</p> <p>15 the screen now. Thank you.</p> <p>16 BY MS. MENDOZA:</p> <p>17 Q. Do you know who Eleanor Dahan is or</p> <p>18 who she was?</p> <p>19 A. No, I don't believe so.</p> <p>20 Q. Okay.</p> <p>21 MS. MENDOZA: We can open BLM</p> <p>22 01995, please. Oh, BLM Bates Dahan.</p> <p>23 THE WITNESS: Again, is that a new</p> <p>24 exhibit?</p> <p>25 MS. MENDOZA: Yes.</p>
<p>Page 141</p> <p>1 just for one second. Okay?</p> <p>2 (Brief recess.)</p> <p>3 THE WITNESS: I apologize, someone</p> <p>4 was knocking at my door.</p> <p>5 BY MS. MENDOZA:</p> <p>6 Q. No worries. Okay. So back at the</p> <p>7 document 1709, Plaintiff's Exhibit-I. Tyler</p> <p>8 Rose, you said that there -- after further</p> <p>9 discussion, I was not confident there was a clear</p> <p>10 policy violation and determination would be</p> <p>11 warranted. Dan and the investigator seemed to</p> <p>12 agree.</p> <p>13 Do you see that?</p> <p>14 A. I do.</p> <p>15 Q. Okay. And then for Martha Weh,</p> <p>16 several transactions not mention -- no mention</p> <p>17 during the interview (unintelligible) --</p> <p>18 COURT REPORTER: Counsel, I'm</p> <p>19 sorry, can you slow down?</p> <p>20 MS. MENDOZA: Yes.</p> <p>21 BY MS. MENDOZA:</p> <p>22 Q. No mention during the interview the</p> <p>23 items were gifts for someone sent to individuals</p> <p>24 other than herself, to the same out-of-state</p> <p>25 address. And she made payments to her card prior</p>	<p>Page 143</p> <p>1 THE WITNESS: Okay.</p> <p>2 MS. MENDOZA: It's J.</p> <p>3 (Whereupon Exhibit-J was marked for</p> <p>4 identification.)</p> <p>5 (Document being shown.)</p> <p>6 BY MS. MENDOZA:</p> <p>7 Q. All right. So take a moment to look</p> <p>8 at the document and let me know when you're done.</p> <p>9 A. (Reviewing document).</p> <p>10 (Discussion held off the Record.)</p> <p>11 BY MS. MENDOZA:</p> <p>12 Q. Okay. So after looking at the</p> <p>13 document from -- this is BLM 001994 to 1999.</p> <p>14 Regarding Eleanor Dahan, do you recall who that</p> <p>15 person is?</p> <p>16 A. I do not recall who that person is.</p> <p>17 Q. Okay. And it says, if you look at BLM</p> <p>18 0001996, if you look at it it says -- my</p> <p>19 apologies, it's 1995. Termination date. Under</p> <p>20 employment information?</p> <p>21 A. Uh-huh.</p> <p>22 Q. 9/30/2017. You see that, right?</p> <p>23 A. I do.</p> <p>24 Q. Okay. And was somebody else</p> <p>25 responsible for making decisions as to</p>

<p>Page 144</p> <p>1 terminations at that time?</p> <p>2 A. I do not know. I do not recall this</p> <p>3 person's name or terming this person. So if she</p> <p>4 was termed or when she was termed, I don't recall</p> <p>5 who might have done it.</p> <p>6 Q. Okay. But who else was in charge of</p> <p>7 doing those terminations?</p> <p>8 A. It could have been possibly any of the</p> <p>9 senior HR executives.</p> <p>10 Q. Okay. And if you look at BLM 0001997,</p> <p>11 at the top there it says credit fraud and then</p> <p>12 discount abuse. Send Chanel bags purchased on</p> <p>13 account to 215 South Broadway, Salem, New</p> <p>14 Hampshire. Has several clients that use this</p> <p>15 address. Betty, former employee, Zhang, and</p> <p>16 Chang.</p> <p>17 Do you see that there?</p> <p>18 A. I do.</p> <p>19 Q. And Nevada and California.</p> <p>20 And then if we keep going to BLM</p> <p>21 00199. It says that --</p> <p>22 A. I'm sorry, what was that number?</p> <p>23 Q. BLM 00199?</p> <p>24 A. Is that towards the top, because I</p> <p>25 don't currently see a 19 --</p>	<p>Page 146</p> <p>1 MLOA 9/30/2017. And days after Asset Protection</p> <p>2 spoke with three other Chanel Handbag employees,</p> <p>3 Orya, Lee, and Costa.</p> <p>4 Do you see that?</p> <p>5 A. I do.</p> <p>6 Q. Okay. And do you know who those</p> <p>7 employees are?</p> <p>8 A. Specifically, no.</p> <p>9 Q. Okay. All right.</p> <p>10 MS. MENDOZA: We can get off that</p> <p>11 screen now. Thank you. And if we can</p> <p>12 look at BLM 001148, this is Bates stamp --</p> <p>13 I mean Plaintiff's Exhibit-K.</p> <p>14 (Whereupon Exhibit-K was marked for</p> <p>15 identification.)</p> <p>16 VIDEOGRAPHER: 1148 through 1195,</p> <p>17 right, counsel?</p> <p>18 MS. MENDOZA: Correct.</p> <p>19 (Document being shown.)</p> <p>20 BY MS. MENDOZA:</p> <p>21 Q. You can take a moment and look through</p> <p>22 the document.</p> <p>23 A. I haven't received it yet.</p> <p>24 Just to clarify, should I read</p> <p>25 through the whole document.</p>
<p>Page 145</p> <p>1 Q. The last page.</p> <p>2 A. Oh, 1999. I apologize.</p> <p>3 Q. So it says at the very bottom there:</p> <p>4 Dahan is directly linked to the main suspect in</p> <p>5 an FBI investigation.</p> <p>6 Were you aware of any FBI</p> <p>7 investigation that was going on at the time?</p> <p>8 A. I was told after the fact that there</p> <p>9 was an FBI investigation, but I was not involved</p> <p>10 with it.</p> <p>11 Q. Okay. And it says there that Dahan</p> <p>12 wrote a letter to HR expressing her concerns --</p> <p>13 in the second paragraph -- expressing her</p> <p>14 concerns that she was under investigation by the</p> <p>15 Asset Protection department.</p> <p>16 Did you see a letter from her or</p> <p>17 were you aware of the letter?</p> <p>18 A. I do not recall seeing a letter from</p> <p>19 her.</p> <p>20 Q. Okay. And then she subsequently went</p> <p>21 on MLOA. Do you know what MLOA is?</p> <p>22 A. I believe it stands for medical leave</p> <p>23 of absence.</p> <p>24 Q. Okay. And was expected to return on</p> <p>25 10/18/2017. Dahan resigned before the end of her</p>	<p>Page 147</p> <p>1 MS. TIERNEY: Why don't we wait and</p> <p>2 let her ask you some questions, because</p> <p>3 there's very limited references to you in</p> <p>4 this document, I believe.</p> <p>5 MS. MENDOZA: Right. I'm just</p> <p>6 going to have a question about one</p> <p>7 paragraph on here.</p> <p>8 MS. TIERNEY: Well then let's read</p> <p>9 that paragraph.</p> <p>10 MS. MENDOZA: Okay.</p> <p>11 BY MS. MENDOZA:</p> <p>12 Q. So first, have you seen this document</p> <p>13 before? It's a complaint.</p> <p>14 A. I do not recall seeing this document.</p> <p>15 Q. Okay. And it's dated at the top, it's</p> <p>16 filed 2/26/20 and the Plaintiff is Theodora</p> <p>17 Nikola -- Nikolakopulo --</p> <p>18 MS. TIERNEY: Nikolakopoulos.</p> <p>19 MS. MENDOZA: Yes.</p> <p>20 BY MS. MENDOZA:</p> <p>21 Q. Have you -- do you recall that person?</p> <p>22 A. The name sounds vaguely familiar, but</p> <p>23 I don't remember much about her.</p> <p>24 Q. Okay. Did she work at Bloomingdale's?</p> <p>25 A. I believe she did.</p>

<p>Page 148</p> <p>1 Q. Okay. And then in what department?</p> <p>2 A. I don't recall specifically. It could</p> <p>3 have been the alterations department.</p> <p>4 Q. Okay. And if you go to paragraph --</p> <p>5 well, we'll go to Bates stamp BLM 1160 -- yeah,</p> <p>6 it's 1160. Paragraph 71, it says there: Since,</p> <p>7 in or around April 2017, Mr. Law called Plaintiff</p> <p>8 into his office on at least three occasions and</p> <p>9 told Plaintiff that she should leave her job with</p> <p>10 the Corporate Defendants.</p> <p>11 Do you recall that conversation?</p> <p>12 A. I do not recall ever having that</p> <p>13 conversation.</p> <p>14 Q. Okay. And do you recall her asking</p> <p>15 for medical accommodations?</p> <p>16 A. I believe she did ask for medical</p> <p>17 accommodations, but I don't remember whether or</p> <p>18 not we were able to accommodate them.</p> <p>19 Q. Okay. And did she complain about</p> <p>20 discrimination?</p> <p>21 A. Not that I specifically recall.</p> <p>22 Q. Then BLM 001161, paragraph 83, again:</p> <p>23 On or about May 15, 2017, Plaintiff again</p> <p>24 complained to Mr. Law about the continued</p> <p>25 discriminatory and retaliatory treatment she was</p>	<p>Page 150</p> <p>1 resolved in the federal court and it's</p> <p>2 been dismissed on summary judgment, so I</p> <p>3 don't see the relevance of this. I'm not</p> <p>4 going to stop it because, again, if I</p> <p>5 don't want to bring him back, but I really</p> <p>6 don't understand what the point of this</p> <p>7 is.</p> <p>8 MS. MENDOZA: Okay.</p> <p>9 BY MS. MENDOZA:</p> <p>10 Q. And so --</p> <p>11 MS. MENDOZA: We can get off this</p> <p>12 screen now. Thank you.</p> <p>13 BY MS. MENDOZA:</p> <p>14 Q. Going back to your conversation with</p> <p>15 Kristina Mikhaylova on -- if you recall earlier,</p> <p>16 I showed you a Bates stamp, a document that you</p> <p>17 had a conversation with Kristina around June 16,</p> <p>18 2017. Do you recall that?</p> <p>19 A. I don't recall specifics of a</p> <p>20 conversation, but it's possible we had a</p> <p>21 conversation.</p> <p>22 Q. Was she terminated on June 16, 2017,</p> <p>23 do you recall?</p> <p>24 A. That sounds about the right timeframe.</p> <p>25 Q. Okay. And was her union rep present?</p>
<p>Page 149</p> <p>1 being subjected by Kotsovolos.</p> <p>2 Do you recall having that</p> <p>3 conversation?</p> <p>4 MS. TIERNEY: I'm going to object</p> <p>5 to the form.</p> <p>6 THE WITNESS: I may have, but I</p> <p>7 don't recall specifically.</p> <p>8 BY MS. MENDOZA:</p> <p>9 Q. Do you recall her complaining about</p> <p>10 discriminatory or retaliatory treatment?</p> <p>11 MS. TIERNEY: Object to the form.</p> <p>12 You may answer.</p> <p>13 THE WITNESS: Possibly. Again, I</p> <p>14 don't recall specifically.</p> <p>15 BY MS. MENDOZA:</p> <p>16 Q. Okay. Was any investigation done?</p> <p>17 A. I believe -- if an investigation was</p> <p>18 done, I believe I spoke with her manager. But</p> <p>19 again, I don't -- I don't recall whether or not</p> <p>20 what she was complaining about was in regard to</p> <p>21 being able to accommodate her request for</p> <p>22 accommodations.</p> <p>23 Q. Okay.</p> <p>24 MS. TIERNEY: And just another</p> <p>25 objection. This case at least has been</p>	<p>Page 151</p> <p>1 A. I don't recall. I don't recall</p> <p>2 whether the conversation was in person or over</p> <p>3 the phone.</p> <p>4 Q. Okay. And did you give Kristina a</p> <p>5 printout of the merchandise that she purchased</p> <p>6 improperly?</p> <p>7 A. Not that I recall, no.</p> <p>8 Q. Did she ask for one?</p> <p>9 A. Not that I recall.</p> <p>10 Q. Okay. And did you state that Kristina</p> <p>11 purchased 15 pairs of shoes and she was only</p> <p>12 allowed to purchase 12?</p> <p>13 A. I don't recall specifically mentioning</p> <p>14 shoes. I may have mentioned the handbags.</p> <p>15 Q. Okay. And was this the -- the first</p> <p>16 time that any employee was terminated for</p> <p>17 violating the handbag policy?</p> <p>18 A. With me, to my knowledge, yes.</p> <p>19 Q. Okay. And did you terminate anyone</p> <p>20 else after her?</p> <p>21 A. I believe I may have been involved in</p> <p>22 the Martha Weh termination, but I don't recall</p> <p>23 specifically.</p> <p>24 Q. Okay. So, but with Martha Weh are you</p> <p>25 saying that she exceeded the handbag policy</p>

<p>1 limit?</p> <p>2 A. Not necessarily exceed the handbag</p> <p>3 policy limit, but was sending to the diverter.</p> <p>4 Q. Okay. But my question is, has any</p> <p>5 other employee -- did you terminate any other</p> <p>6 employee for exceeding the handbag policy limit?</p> <p>7 A. Other than possibly those two, not</p> <p>8 that I recall.</p> <p>9 Q. Okay. And do you know who Bobby</p> <p>10 Booker is or was?</p> <p>11 A. I do.</p> <p>12 Q. And who was he?</p> <p>13 A. I believe he was another Asset</p> <p>14 Protection manager at the 59th Street location.</p> <p>15 Q. Okay. And did -- did Kristina make a</p> <p>16 complaint of sexual harassment against him?</p> <p>17 A. I was not aware of any complaints from</p> <p>18 Kristina about sexual harassment allegations</p> <p>19 against him.</p> <p>20 Q. Okay. And did anyone else make any</p> <p>21 complaints against Bobby Booker for sexual</p> <p>22 harassment?</p> <p>23 A. Not to my knowledge.</p> <p>24 Q. And what about discrimination?</p> <p>25 A. Not to my knowledge.</p>	<p>Page 152</p>	<p>1 Q. Did Bobby Booker ever make any</p> <p>2 complaints against Kristina Mikhaylova?</p> <p>3 A. Not to me, not that I'm aware of.</p> <p>4 Q. Okay. Did anyone make any complaints</p> <p>5 against Kristina?</p> <p>6 A. Not that I'm aware of.</p> <p>7 Q. Okay. And what were the company's</p> <p>8 policies regarding pregnancy related medical</p> <p>9 conditions, accommodations for pregnancy related</p> <p>10 medical conditions?</p> <p>11 MS. TIERNEY: Object to the form.</p> <p>12 You can answer.</p> <p>13 THE WITNESS: My recollection is</p> <p>14 that if the request was approved by the</p> <p>15 corporate office, then we would do our</p> <p>16 best to honor them.</p> <p>17 BY MS. MENDOZA:</p> <p>18 Q. Okay. But -- withdrawn.</p> <p>19 And in the store, which -- do you</p> <p>20 recall which accommodations were given?</p> <p>21 MS. TIERNEY: Object to the form.</p> <p>22 You can answer.</p> <p>23 THE WITNESS: So throughout my time</p> <p>24 there, there were various accommodations</p> <p>25 given. Some could have been, as I might</p>	<p>Page 154</p>
<p>1 Q. And retaliation?</p> <p>2 A. Not to my knowledge.</p> <p>3 Q. And did he have any disciplinary</p> <p>4 action taken against him?</p> <p>5 A. I would not necessarily know that.</p> <p>6 Q. Okay. Do you know if he was fired?</p> <p>7 A. I do not know what happened to him.</p> <p>8 Q. Okay. And did you work with him?</p> <p>9 A. I worked with him in the sense that we</p> <p>10 were at Bloomingdale's at the same time, but I</p> <p>11 don't recall a lot of specific interactions with</p> <p>12 him.</p> <p>13 Q. Okay. So what was your relationship</p> <p>14 with Bobby Booker?</p> <p>15 A. I would say that there was no real</p> <p>16 relationship other than coworkers. He happened</p> <p>17 to work Asset Protection and I happened to work</p> <p>18 in human resources.</p> <p>19 Q. Okay. Did you do any investigations</p> <p>20 together?</p> <p>21 A. Not that I recall.</p> <p>22 Q. Okay. And I'm just going to take a</p> <p>23 quick look, but I think I'm done.</p> <p>24 (Brief recess.)</p> <p>25 BY MS. MENDOZA:</p>	<p>Page 153</p>	<p>1 have described earlier, a weight limit</p> <p>2 restriction. That seemed to me to be</p> <p>3 probably the most frequent. There were</p> <p>4 probably some others that I don't recall</p> <p>5 off the top of my head.</p> <p>6 BY MS. MENDOZA:</p> <p>7 Q. Okay. But is that for just medical</p> <p>8 accommodation or is that pregnancy related?</p> <p>9 A. Medical in general.</p> <p>10 Q. Okay. And so my question is</p> <p>11 specifically pregnancy related; what medical</p> <p>12 accommodations -- what accommodations were given</p> <p>13 for pregnancy related conditions?</p> <p>14 MS. TIERNEY: Objection to the</p> <p>15 form. You may answer.</p> <p>16 THE WITNESS: I don't recall any</p> <p>17 specifically other than the intermittent</p> <p>18 leave.</p> <p>19 BY MS. MENDOZA:</p> <p>20 Q. Okay. And after Kristina was</p> <p>21 terminated -- withdrawn.</p> <p>22 If we look at -- you may not have</p> <p>23 it yet, it's document 182, Mikhaylova 182, Bates</p> <p>24 stamp Mikhaylova 182.</p> <p>25 MS. MENDOZA: And this will be</p>	<p>Page 155</p>

<p>1 Exhibit-L. Page 156</p> <p>2 (Whereupon Exhibit-L was marked for</p> <p>3 identification.)</p> <p>4 (Document being shown.)</p> <p>5 BY MS. MENDOZA:</p> <p>6 Q. Just take a moment to look at the</p> <p>7 document and let me know when you're done.</p> <p>8 A. I haven't received it yet.</p> <p>9 MS. TIERNEY: It just came across</p> <p>10 for me, Richard, so it may be on its way.</p> <p>11 THE WITNESS: Oh, okay. (Reviewing</p> <p>12 document). Okay.</p> <p>13 BY MS. MENDOZA:</p> <p>14 Q. Okay. Have you seen this document</p> <p>15 before?</p> <p>16 A. I have not.</p> <p>17 Q. Okay. At the top there it says:</p> <p>18 Filed 2/13/20. Union rep Kavanagh. And the date</p> <p>19 is 6/16/17. Name, Kristina Mikhaylova.</p> <p>20 You see that, right?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. And grievance, VOP. Term - in</p> <p>23 handbook it said two handbags according Richard</p> <p>24 Law.</p> <p>25 See that?</p>	<p>1 Kristina talk to you over the phone? Page 158</p> <p>2 A. I don't recall specifically. We may</p> <p>3 have had a conversation on the phone.</p> <p>4 Q. Okay. And did you tell her that you</p> <p>5 needed time to investigate?</p> <p>6 A. It's possible I may have said that.</p> <p>7 Again, I don't remember specifically.</p> <p>8 Q. Okay. Do you recall if she complained</p> <p>9 about the suspension being in retaliation to her</p> <p>10 pregnancy?</p> <p>11 A. I do not recall her saying that on a</p> <p>12 conversation we may have had.</p> <p>13 Q. Okay. Did she bring up her pregnancy</p> <p>14 to you on the phone?</p> <p>15 A. Not that I recall.</p> <p>16 Q. Okay. And did anyone come talk to you</p> <p>17 during the grievance process? Did they discuss</p> <p>18 with you your decision and why you reached that</p> <p>19 decision to terminate her?</p> <p>20 A. I do not believe so.</p> <p>21 Q. Okay. How are -- withdrawn.</p> <p>22 You stated before that somebody</p> <p>23 else handled the grievance procedure; is that</p> <p>24 correct?</p> <p>25 A. That's correct.</p>
<p>1 A. I do. Page 157</p> <p>2 Q. So, is that true?</p> <p>3 MS. TIERNEY: Object to the form.</p> <p>4 You may answer.</p> <p>5 THE WITNESS: Is what true?</p> <p>6 BY MS. MENDOZA:</p> <p>7 Q. That you said two handbags to -- that</p> <p>8 she was terminated for that?</p> <p>9 A. I don't recall specifically saying two</p> <p>10 handbags.</p> <p>11 Q. It says she purchased -- she purchased</p> <p>12 more than two?</p> <p>13 A. I may have said, yes, she purchased</p> <p>14 more than two in a given transaction.</p> <p>15 Q. Okay. And then it says: She said</p> <p>16 that according to Cathy Younis, Law said she</p> <p>17 purchased more than the allowed number of shoes.</p> <p>18 She bought 15 shoes.</p> <p>19 Do you remember saying that?</p> <p>20 A. I don't recall saying the 15 shoes.</p> <p>21 Q. Okay. All right. And during --</p> <p>22 MS. MENDOZA: We can get off that</p> <p>23 screen.</p> <p>24 BY MS. MENDOZA:</p> <p>25 Q. During Kristina's suspension, did</p>	<p>1 Q. Okay. And you don't recall who Page 159</p> <p>2 handled it for Kristina?</p> <p>3 A. I don't think that's what I said. I</p> <p>4 think I might have said that Michelle Ronquillo</p> <p>5 handle the grievances.</p> <p>6 Q. Okay. And does Bloomingdale's have an</p> <p>7 e-mail retention policy?</p> <p>8 MS. TIERNEY: Object to the form.</p> <p>9 You may answer.</p> <p>10 THE WITNESS: It's possible, but if</p> <p>11 they did, I do not know what that policy</p> <p>12 is.</p> <p>13 BY MS. MENDOZA:</p> <p>14 Q. Okay. Did you -- I'll just pull it</p> <p>15 up. BLM 2036 to 2039.</p> <p>16 (Whereupon Exhibit-M was marked for</p> <p>17 identification.)</p> <p>18 (Document being shown.)</p> <p>19 BY MS. MENDOZA:</p> <p>20 Q. Take a moment to look at the document</p> <p>21 and let me know when you're done.</p> <p>22 A. (Reviewing document).</p> <p>23 Q. I mean, it's up to you if you want to</p> <p>24 look through the whole document, but this is</p> <p>25 mainly to refresh your recollection if you recall</p>

<p>1 the policy.</p> <p>2 MS. TIERNEY: Read it as much as</p> <p>3 you need to, Richard, to familiarize</p> <p>4 yourself with the topic.</p> <p>5 THE WITNESS: Okay. (Reviewing</p> <p>6 document). Okay.</p> <p>7 BY MS. MENDOZA:</p> <p>8 Q. Okay. So do you recall now what the</p> <p>9 policy was?</p> <p>10 MS. TIERNEY: You mean other than</p> <p>11 reading it?</p> <p>12 THE WITNESS: I'm sorry?</p> <p>13 MS. TIERNEY: I mean, I guess my</p> <p>14 objection is, are you asking him does he</p> <p>15 know what that document says or are you</p> <p>16 asking him if this refreshed him as to</p> <p>17 whether or not he knew what the policy was</p> <p>18 before he read this document? What's the</p> <p>19 question?</p> <p>20 BY MS. MENDOZA:</p> <p>21 Q. Is that your question, Mr. Law?</p> <p>22 A. Yes. I'm not quite sure I'm</p> <p>23 understanding what you're asking me.</p> <p>24 Q. Okay. If you'd like me to rephrase</p> <p>25 it, I'm happy to rephrase it for you.</p>	<p>Page 160</p> <p>1 than that old policy?</p> <p>2 MS. TIERNEY: Object to the form.</p> <p>3 You may answer.</p> <p>4 THE WITNESS: I'm not quite</p> <p>5 understanding what you're trying to ask.</p> <p>6 BY MS. MENDOZA:</p> <p>7 Q. Okay. So in Microsoft Outlook that</p> <p>8 you used, right, did it have any -- did it have a</p> <p>9 60-day purge?</p> <p>10 A. I do not recall whether or not</p> <p>11 specifically there was a 60-day purge.</p> <p>12 Q. Did you receive any information</p> <p>13 regarding an e-mail retention policy with respect</p> <p>14 to Microsoft Outlook?</p> <p>15 A. With respect to an e-mail retention</p> <p>16 policy, it's possible I may have received</p> <p>17 something, but I don't recall specifically.</p> <p>18 Q. Okay. And if -- so -- do you know if</p> <p>19 any of your e-mails were retained past a certain</p> <p>20 amount of time with Outlook?</p> <p>21 A. No, I do not know that information.</p> <p>22 MS. TIERNEY: Object to the form.</p> <p>23 You can answer. Okay.</p> <p>24 BY MS. MENDOZA:</p> <p>25 Q. Were you told to save it in a</p>
<p>Page 161</p> <p>1 So the -- my question is, did</p> <p>2 Bloomingdale's have an e-mail retention policy?</p> <p>3 MS. TIERNEY: Objection. You may</p> <p>4 answer.</p> <p>5 THE WITNESS: It would appear that,</p> <p>6 yes, they did have an e-mail retention</p> <p>7 policy.</p> <p>8 BY MS. MENDOZA:</p> <p>9 Q. And do you recall if you saved any of</p> <p>10 your documents in a separate folder?</p> <p>11 A. So based upon this e-mail retention</p> <p>12 policy, which appears to be quite old, this was</p> <p>13 on a different e-mail system than what I was</p> <p>14 using at the time in Bloomingdale's.</p> <p>15 Q. Okay. And what system were you using?</p> <p>16 A. I believe we were using Microsoft</p> <p>17 Outlook.</p> <p>18 Q. Okay. And what difference would that</p> <p>19 have made?</p> <p>20 MS. TIERNEY: Object to the form.</p> <p>21 If you know, you may answer.</p> <p>22 THE WITNESS: I'm not sure if that</p> <p>23 necessarily would have made a difference.</p> <p>24 BY MS. MENDOZA:</p> <p>25 Q. Okay. But how is it any different</p>	<p>Page 163</p> <p>1 separate -- any documents that needed to be</p> <p>2 retained for a long period of time, to keep it in</p> <p>3 a separate folder?</p> <p>4 MS. TIERNEY: Object to the form.</p> <p>5 You can answer.</p> <p>6 THE WITNESS: It's possible I may</p> <p>7 have been told that, but I don't recall</p> <p>8 specifically.</p> <p>9 BY MS. MENDOZA:</p> <p>10 Q. Okay. And do you recall saving any</p> <p>11 documents in a separate folder?</p> <p>12 A. No, I do not.</p> <p>13 Q. Did you archive documents?</p> <p>14 A. Not that I recall.</p> <p>15 Q. Okay. So you didn't archive e-mails;</p> <p>16 is that correct?</p> <p>17 A. Not that I recall, that is correct.</p> <p>18 Q. Okay. Does it -- did it automatically</p> <p>19 archive documents?</p> <p>20 MS. TIERNEY: Object to the form.</p> <p>21 You can answer.</p> <p>22 THE WITNESS: It may have. I don't</p> <p>23 recall.</p> <p>24 BY MS. MENDOZA:</p> <p>25 Q. Okay.</p>

Page 164

1 MS. TIERNEY: And I'd admonish the
2 witness not to guess or speculate.
3 BY MS. MENDOZA:
4 Q. All right. Did you recommend that an
5 investigation be done for any other employees
6 that were sending to the same address as
7 Kristina?
8 A. Not that I recall.
9 Q. And why not?
10 A. I would not necessarily know who was
11 sending to various places unless it was brought
12 to my attention.
13 Q. Okay. And did you investigate anyone
14 else that was exceeding the handbag limit?
15 MS. TIERNEY: Object to the form.
16 Asked and answered a couple times.
17 MS. MENDOZA: I'll rephrase it.
18 BY MS. MENDOZA:
19 Q. I'm asking if -- did you -- after
20 Kristina stated in her statement that you
21 reviewed, and in her grievance in which she
22 complained, she stated that other people were
23 doing the same thing. So my question is, if
24 after you learned that information, did you ask
25 for an investigation to be done for anyone else

Page 165

1 that could have been exceeding the handbag policy
2 or shoe limit?
3 A. Other than the three individuals I
4 think that we've discussed here, I do not recall
5 hearing of anyone else in terms of the handbag
6 policy violation.
7 Q. Okay. It's not that you heard of, but
8 did you start an invest -- did you ask maybe to
9 do an investigation for it?
10 A. So --
11 MS. TIERNEY: Objection. You can
12 answer.
13 THE WITNESS: No.
14 BY MS. MENDOZA:
15 Q. Okay. And did you ever ask Asset
16 Protection to do an investigation of any
17 employees?
18 A. I personally do not recall asking
19 Asset Protection to investigate anyone.
20 Q. Okay. Did you do your own
21 investigation on any employees?
22 MS. TIERNEY: Objection --
23 THE WITNESS: In what --
24 MS. TIERNEY: Go ahead. I'm sorry,
25 Richard.

Page 166

1 THE WITNESS: In what regard?
2 BY MS. MENDOZA:
3 Q. In any regard. In your -- as HR?
4 A. So, I do not recall asking AP to
5 conduct any investigations on my behalf.
6 Q. Okay. Not for your behalf
7 necessarily, but as for any violation of
8 policies?
9 A. There may have been instances where I
10 asked AP for additional information, but only
11 after they brought a situation to my attention.
12 Q. Okay. And do you recall what those
13 instances were?
14 A. There might have been an instance of
15 alleged theft, so I asked if there was video.
16 Q. Okay. And when was that?
17 A. I do not recall the specific date.
18 Q. Was it before or after Kristina's
19 termination?
20 A. It would probably have been before.
21 It's possible it could have been after as well.
22 Q. Okay. And did you understand all the
23 questions that I asked you today?
24 A. I believe I did.
25 Q. And do you want to change any of your

Page 167

1 answers today?
2 A. No, I don't believe so.
3 Q. Okay. I'll reserve the right to ask
4 any questions in response.
5 MS. MENDOZA: And we can get off
6 this screen, sorry. Thank you.
7 - - -
8 EXAMINATION
9 - - -
10 BY MS. TIERNEY:
11 Q. And, Mr. Law, I will try to be quick.
12 I know it's been a long day.
13 There were -- there was some
14 talk -- or questions by counsel early on in the
15 day related to this alleged liquidation sale. Do
16 you know as you sit here today whether or not
17 there was in fact a liquidation sale of Chanel
18 product in 2017?
19 A. So that's not something that I'm
20 necessarily interested in, so I can't say
21 specifically whether or not there was a
22 liquidation sale.
23 Q. Okay. Now, I know we also talked
24 about Tyler Rose and there was some -- I think
25 there was -- in that exhibit there was reference

<p style="text-align: right;">Page 168</p> <p>1 to him sending product to the same address that</p> <p>2 Mikhaylova had sent to in New Hampshire. And</p> <p>3 then on the summary there was a reference to him</p> <p>4 sending product to Boston. Other than that</p> <p>5 write-up, do you have any knowledge as to where</p> <p>6 Tyler Rose was sending product?</p> <p>7 A. No, I do not.</p> <p>8 Q. And was it your understanding that he</p> <p>9 only sent product to one address?</p> <p>10 A. That is correct.</p> <p>11 Q. Or one time? Okay.</p> <p>12 A. Yes.</p> <p>13 Q. Would you agree with me, Mr. Law, that</p> <p>14 Bloomingdale's anticipates that its employees</p> <p>15 will actually adhere to the law?</p> <p>16 A. That would be my understanding, yes.</p> <p>17 Q. So, and you understand that Ms.</p> <p>18 Mikhaylova actually admitted to tax evasion when</p> <p>19 she was interviewed; is that correct?</p> <p>20 MS. MENDOZA: Objection.</p> <p>21 BY MS. TIERNEY:</p> <p>22 Q. You can answer.</p> <p>23 A. Yes.</p> <p>24 Q. Okay. And would that be a violation</p> <p>25 of policy?</p>	<p style="text-align: right;">Page 170</p> <p>1 question about the e-mail you got from Ms.</p> <p>2 Mikhaylova where she asked if her suspension was</p> <p>3 related to her pregnancy. Do you recall that</p> <p>4 line of questions?</p> <p>5 A. I do.</p> <p>6 Q. And I believe you were asked whether</p> <p>7 or not you felt that was a complaint of</p> <p>8 discrimination and/or a complaint of retaliation</p> <p>9 and you said no; is that right?</p> <p>10 A. Correct.</p> <p>11 Q. And then there was a line of</p> <p>12 questioning about whether or not you had</p> <p>13 initiated some type of investigation. Do you</p> <p>14 normally investigate if there's no complaint?</p> <p>15 A. No.</p> <p>16 Q. Okay. And does that refresh you as to</p> <p>17 whether or why you would not have investigated</p> <p>18 her question as to whether or not she was put on</p> <p>19 suspension because of her pregnancy?</p> <p>20 MS. MENDOZA: Objection.</p> <p>21 BY MS. TIERNEY:</p> <p>22 Q. You can answer it.</p> <p>23 A. Can you rephrase the question, please?</p> <p>24 Q. Sure. Let me ask it again.</p> <p>25 If there's no complaint, there's no</p>
<p style="text-align: right;">Page 169</p> <p>1 A. It probably would be, yes.</p> <p>2 Q. Okay. And let me show you -- I'm</p> <p>3 going to share my screen. This is Exhibit-E.</p> <p>4 And I hope I do this right.</p> <p>5 (Document being shown.)</p> <p>6 BY MS. TIERNEY:</p> <p>7 Q. Okay. Can you see my screen, Mr. Law?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. And if you look down at the</p> <p>10 very bottom, the last -- would you read into the</p> <p>11 record the very last sentence of this page?</p> <p>12 A. Any action taken by the company will</p> <p>13 be in compliance with applicable law.</p> <p>14 Q. Does that suggest to you whether or</p> <p>15 not employees are expected to abide by the tax</p> <p>16 laws?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. Are you aware of anybody who</p> <p>19 has admitted to tax fraud -- excuse me, tax</p> <p>20 evasion who has not been terminated?</p> <p>21 MS. MENDOZA: Objection.</p> <p>22 BY MS. TIERNEY:</p> <p>23 Q. You can answer.</p> <p>24 A. Not that I'm aware of.</p> <p>25 Q. Now, I know that there was also a</p>	<p style="text-align: right;">Page 171</p> <p>1 investigation, correct?</p> <p>2 A. Correct.</p> <p>3 Q. So if you did not investigate her</p> <p>4 pregnancy, was it because there was no complaint?</p> <p>5 MS. MENDOZA: Objection.</p> <p>6 BY MS. TIERNEY:</p> <p>7 Q. You can answer it.</p> <p>8 A. I did not feel that there was a</p> <p>9 complaint, no.</p> <p>10 Q. So there was nothing to investigate,</p> <p>11 correct?</p> <p>12 A. Correct.</p> <p>13 Q. Okay. And you did in fact believe</p> <p>14 that Ms. Mikhaylova was a diverter?</p> <p>15 A. In my mind, yes.</p> <p>16 Q. And she also admittedly was a tax</p> <p>17 evader; is that correct?</p> <p>18 MS. MENDOZA: Objection.</p> <p>19 THE WITNESS: Yes.</p> <p>20 BY MS. TIERNEY:</p> <p>21 Q. Are both of those sufficient reasons</p> <p>22 for her termination?</p> <p>23 A. Yes.</p> <p>24 MS. MENDOZA: Objection.</p> <p>25 BY MS. TIERNEY:</p>

<p>Page 172</p> <p>1 Q. Okay. And have you had any 2 involvement in the Theodora Nikolakopoulos case? 3 A. No. 4 Q. And do you have any involvement while 5 you were at Bloomingdale's in setting or adhering 6 to the e-mail retention policy? 7 A. I'm sorry, say that again, please. 8 Q. While you were at Bloomingdale's did 9 you have any responsibility in either setting the 10 e-mail policy or adhering to it? The e-mail 11 retention policy, excuse me. 12 A. So I was not involved with setting the 13 policy. 14 Q. Okay. And did you have any duties 15 with respect to ensuring adherence to the e-mail 16 retention policy? 17 A. If I thought that there was an e-mail 18 that needed to be retained, I probably would have 19 put it in, you know, that separate folder that 20 they talk about. 21 Q. Okay. Are you familiar with the 22 Business Critical folder? 23 A. I've heard of it, but I can't say that 24 I'm completely familiar with it. 25 Q. Did you ever have a Business Critical</p>	<p>Page 174</p> <p>1 AP investigation notes as well as her written 2 statement. 3 Q. Okay. So in -- so you're stating that 4 AP investigation notes said that she admitted to 5 tax evasion? 6 A. Yes, as well as her own written 7 personal statement. 8 Q. Okay. And in her written personal 9 statement she said that she committed tax 10 evasion? 11 A. I don't remember the exact words. It 12 was something like shipping it out of state to 13 avoid taxes. 14 Q. Okay. But shipping out of state to -- 15 instead of paying taxes today, to take home, and 16 instead just shipping it to the person, recipient 17 that isn't out of state -- in a place that 18 doesn't have to pay tax, is that tax evasion? 19 MS. TIERNEY: I'm going to object 20 to the argumentative nature of the 21 question. You can answer it one more 22 time. 23 MS. MENDOZA: I apologize if it's 24 argumentative in any way. I'm just -- I'm 25 trying to clarify the difference.</p>
<p>Page 173</p> <p>1 folder? 2 A. Personally, not that I recall. 3 Q. Okay. Fair enough. And I think 4 that's all I have. 5 MS. MENDOZA: Okay. Just two 6 questions. 7 - - - 8 EXAMINATION 9 - - - 10 BY MS. MENDOZA: 11 Q. You stated -- withdrawn. How did 12 Kristina admit to tax evasion? 13 A. From my recollection, she admitted it 14 during the AP investigation. 15 Q. How? 16 MS. TIERNEY: I'm going to object 17 to the form. You can answer it if you 18 understand it. 19 THE WITNESS: So if I understand 20 the question, it is how did Kristina admit 21 to it, to the tax evasion? 22 BY MS. MENDOZA: 23 Q. During the AP investigation? 24 A. I do not know specifically because I 25 was not in the room, but I believe it was in the</p>	<p>Page 175</p> <p>1 THE WITNESS: So in my mind -- 2 MS. TIERNEY: I also object to the 3 extent that it calls for a legal 4 conclusion. You may state what your 5 understanding is, Mr. Law. 6 THE WITNESS: So in my mind, the 7 fact that she said she purchased some of 8 these items for personal use but shipped 9 them out of state to avoid taxes, that to 10 me is tax evasion. 11 BY MS. MENDOZA: 12 Q. Okay. So I will pull up her 13 statement, just for clarification purposes. 14 MS. MENDOZA: If we can pull up 15 Exhibit-K -- or, no, Exhibit-F. I think 16 it's Exhibit-F, please. 17 (Document being shown.) 18 MS. MENDOZA: And if you can turn 19 to exhibit -- I'm sorry, page BLM, Bates 20 stamp BLM 001510, please. 21 (Document being shown.) 22 BY MS. MENDOZA: 23 Q. Let me know when you're ready for me 24 to ask you a question. 25 MS. TIERNEY: Mr. Law, just read</p>

<p>1 the whole statement if you would.</p> <p>2 THE WITNESS: Okay. One moment,</p> <p>3 please. (Reviewing document). Okay.</p> <p>4 BY MS. MENDOZA:</p> <p>5 Q. So where in that document did you find</p> <p>6 that Kristina admitted to tax evasion?</p> <p>7 A. Let me find it. Sorry, I need to</p> <p>8 scroll back down the document. So she didn't</p> <p>9 outright admit to -- to tax evasion, but what she</p> <p>10 wrote is that: I now understand that it is a</p> <p>11 problem to ship things out of state to avoid</p> <p>12 taxes.</p> <p>13 Q. Okay. And is that what you</p> <p>14 interpreted to mean that she was committing tax</p> <p>15 evasion?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. Okay. But employees are</p> <p>18 allowed to ship to different addresses, correct?</p> <p>19 MS. TIERNEY: Object to the form.</p> <p>20 You can answer.</p> <p>21 THE WITNESS: In general, yes.</p> <p>22 BY MS. MENDOZA:</p> <p>23 Q. Okay. And --</p> <p>24 MS. MENDOZA: Thank you, we can get</p> <p>25 off this screen.</p>	<p>Page 176</p> <p>1 Q. I want to go back to that document you</p> <p>2 were just looking at. And I know you pointed out</p> <p>3 a specific line, but doesn't Ms. Mikhaylova</p> <p>4 also --</p> <p>5 MS. TIERNEY: Oh, Trinity, did you</p> <p>6 put that up? Thank you.</p> <p>7 (Document being shown.)</p> <p>8 BY MS. TIERNEY:</p> <p>9 Q. Do you see the statement, Mr. Law?</p> <p>10 A. I have her statement in front of me,</p> <p>11 yes.</p> <p>12 Q. Do you see on the one, two, three,</p> <p>13 four, five, six, seven, eight, nine, ten, eleven,</p> <p>14 twelve, thirteenth line: I was shipping to</p> <p>15 various friends and family out of state to avoid</p> <p>16 New York State tax?</p> <p>17 A. Yes, I do see that.</p> <p>18 Q. Okay. And was that also part of your</p> <p>19 decisionmaking process?</p> <p>20 MS. MENDOZA: Objection.</p> <p>21 BY MS. TIERNEY:</p> <p>22 Q. You can answer.</p> <p>23 A. Yes.</p> <p>24 Q. Okay. That's all I have.</p> <p>25 MS. MENDOZA: Thank you.</p> <p>Page 178</p>
<p>Page 177</p> <p>1 BY MS. MENDOZA:</p> <p>2 Q. And you stated that she -- you</p> <p>3 believed her to be a diverter, that Kristina was</p> <p>4 a diverter; is that correct?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. And why didn't you write in any</p> <p>7 of the termination forms or to the Department of</p> <p>8 Labor that she was a diverter?</p> <p>9 MS. TIERNEY: Object to the form.</p> <p>10 You can answer.</p> <p>11 THE WITNESS: I was trying to use</p> <p>12 the policies and procedures language.</p> <p>13 BY MS. MENDOZA:</p> <p>14 Q. And isn't there a policy for a</p> <p>15 diverter?</p> <p>16 A. There may be. I don't recall</p> <p>17 specifically where it might be in the handbook.</p> <p>18 Q. Okay. All right. No further</p> <p>19 questions. Thank you.</p> <p>20 MS. TIERNEY: Well, I'm going to</p> <p>21 have a couple more.</p> <p>22 - - -</p> <p>23 EXAMINATION</p> <p>24 - - -</p> <p>25 BY MS. TIERNEY:</p>	<p>Page 179</p> <p>1 MS. TIERNEY: We will read and sign</p> <p>2 and we do want a copy.</p> <p>3 - - -</p> <p>4 (Witness excused.)</p> <p>5 (Deposition concluded at</p> <p>6 approximately 3:58 p.m.)</p>

C E R T I F I C A T I O N

I hereby certify that the proceedings, evidence, and objections noted herein are contained fully and accurately in the stenographic notes taken by me upon the foregoing matter, and that this is a correct transcript of the same.

I do further certify that I am neither a relative nor employee, nor attorney, nor counsel to any parties involved, that I am neither related to nor employed by any such attorney or counsel, and that I am not financially interested in the action.

Robin A. Vance, CCR, RPR
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Notary Public of New Jersey
Commission Expires 1/8/24

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1 INSTRUCTIONS TO WITNESS

2 - - -

3 Read your deposition over
4 carefully. It is your right to read your
5 deposition and make changes in form or substance.
6 You should assign a reason in the appropriate
7 column on the ERRATA SHEET for any change made.

8 After making any change in form or
9 substance, which have been noted on the following
10 ERRATA SHEET, along with the reason for the
11 change, sign your name on the ERRATA SHEET and
12 date it.

13 Then sign your deposition at the
14 end of your testimony in the space provided. You
15 are signing it subject to the changes you have
16 made in the ERRATA SHEET, which will be attached
17 to the deposition before filing.

18 You must sign in the space provided. The
19 witness need not be a Notary Public. Any
20 competent adult may witness your signature.

21 Return the original ERRATA SHEET to your
22 counsel. The Court rules require filing within
23 30 days after you receive the deposition.
24
25

1 SIGNATURE PAGE

2 OF

3 RICHARD LAW

4 I hereby acknowledge that I have read
5 the foregoing deposition dated Monday, December
6 5, 2022, and that the same is a true and correct
7 transcription of the answers given by me to the
8 questions propounded, to the best of my
9 recollection, knowledge and belief, except for
10 the changes, if any, noted on the attached ERRATA
11 SHEET.

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15 RICHARD LAW

DATE

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3	_____	_____	_____
4	_____	_____	_____
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19	_____	_____	_____
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21	_____	_____	_____
22	_____	_____	_____
23	_____	_____	_____
24	_____	_____	_____
25	_____	_____	_____

WORD INDEX

< 0 >

0001510 112:1
 0001511 112:2
 0001514 101:25
 0001996 143:18
 0001997 144:10
 000380 92:7 98:23
 000420 96:19
 001148 146:12
 001161 148:22
 001486 117:10
 001510 175:20
 001531 117:19
 001576 128:9
 00158 75:15
 001584 134:15
 001595 137:24
 00197 57:9
 00199 58:3 144:21,
 23
 001994 143:13
 00200 58:22
 01995 142:22
 02131 180:15
 07004 2:14

< 1 >

1 57:6 114:9 136:13
 1/25/17 135:10
 137:24
 1/25/2017 135:7
 1/26/17 138:5
 1/8/24 180:16
 10 83:11
 10/18/2017 145:25
 10/23/2016 137:20
 10:14 1:12
 10:19 103:16
 101 3:15
 10119 2:5
 107 2:14
 11/3/2017 3:18
 11:11 41:24
 11:30 76:20
 11477 2:9
 1148 146:16
 1160 148:5, 6

117 3:16
 1195 146:16
 12 54:1 98:12
 118:10 151:12
 12:30 89:6
 122 3:25
 127 3:17
 139 3:18
 143 3:19
 146 3:20
 1486 100:13, 16
 1494 113:23
 1496 115:10
 1497 115:22, 23
 1498 115:23
 15 148:23 151:11
 157:18, 20
 1510 112:6, 7
 1511 112:19
 1513 101:8, 17 109:3
 1514 101:23 103:15
 1515 100:13, 16
 117:10
 1531 117:2, 11, 19
 1532 117:19
 156 3:21
 1576 127:4, 5, 14
 131:8
 1577 130:24 132:8
 1578 133:1
 158 74:19, 20
 1584 135:7
 1589 136:10 137:3
 159 3:22 74:19
 1590 137:10
 1591 137:10
 1594 137:19
 16 6:17 76:19
 150:17, 22
 1605 127:5, 15
 165 2:13
 167 3:1
 16th 78:4
 17 6:17 139:2
 1709 139:3, 4 141:7
 173 3:1
 177 3:1
 182 155:23, 24
 19 144:25

19-8927 1:5
 1995 143:19
 1999 143:13 145:2
 < 2 >
 2/13/20 156:18
 2/15/17 135:11
 2/26/20 147:16
 2/4/2017 111:20
 2:20 128:4
 20 75:23
 2002 16:4
 2003 16:4, 5
 2009 14:24 16:8, 9
 2011 15:5, 6 16:5
 2016 6:4, 8 10:18
 13:18 15:6 43:5
 2017 6:4, 9 10:18
 13:8 43:5 63:17
 75:23 76:19 97:3
 102:8 103:16 114:10
 117:20 140:2 148:7,
 23 150:18, 22 167:18
 2022 1:11 182:6
 2036 159:15
 2039 159:15
 212-587-0760 2:5
 215 144:13
 24 8:24 9:3 53:25
 54:3 93:5
 < 3 >
 3 140:2
 3:58 179:6
 30 62:14 97:3
 181:23
 32 117:2, 11
 35 114:20
 379 89:17 91:16
 92:7
 380 91:16 92:7
 381 94:17, 18
 < 4 >
 4/21 133:1
 4/21/17 133:2
 4/21/2017 129:9
 400 2:9
 420 95:4, 7, 18 96:10,

17, 18
 4905 2:4
 < 5 >
 5 1:11 3:1 182:6
 51 3:1
 56 3:1
 59 74:20
 59th 16:21 24:25
 25:4 26:25 27:5, 14,
 20, 21 30:17 34:2
 36:24 37:18 39:9
 76:19 114:19 152:14
 < 6 >
 6 118:12
 6/16/17 113:4 156:19
 6/17[sic 135:18
 6/6/17 131:17
 60/20/20 59:4, 11, 23
 67:12
 60-day 162:9, 11
 63141 2:10
 64 67:4
 66 3:1
 67 67:5, 9 68:24
 69 68:16
 < 7 >
 7 102:8 103:16
 70 68:16
 71 68:16 148:6
 72 68:16
 72061886 97:13
 110:1 115:3 138:4
 73 67:10
 74 3:13
 78 90:9 91:19, 21
 79 3:25
 < 8 >
 8 117:20
 800 18:22
 817327 180:15
 83 148:22
 89 3:14
 8th 118:12
 < 9 >

<p>9/30/2017 143:22 146:1 90-day 98:14 973-256-9000 2:15</p> <p>< A > a.m 1:12 76:20 103:17 abide 169:15 ability 8:19 9:6 able 22:15 29:20 104:13 105:10 148:18 149:21 Abraham 114:7 absence 145:23 abuse 84:9 86:13 110:2, 7 116:13 129:5 131:12 144:12 abusing 76:23 accommodate 23:5, 15 29:2 148:18 149:21 accommodation 28:6, 7, 10, 13, 18, 21 29:13 30:9 41:6, 8 45:7, 9 155:8 accommodations 29:4, 10, 11, 24 30:3, 5 148:15, 17 149:22 154:9, 20, 24 155:12 account 144:13 accurately 180:4 accused 19:23 acknowledge 4:8, 11 182:4 acknowledges 4:18 action 13:20 15:21 33:12 34:9 46:7, 17 103:18 104:3 107:19 108:5, 22 133:17 134:9 153:4 169:12 180:10 actions 39:10 104:10 129:19 activity 110:8 actual 133:10 addition 59:2 additional 57:17, 25 58:14 78:19 107:3 166:10</p>	<p>address 50:13 87:20 110:16 116:3 129:2, 8, 11, 17 130:25 131:3, 14, 15, 16 132:12, 14 135:16, 17 138:21 141:25 144:15 164:6 168:1, 9 182:21 addressed 76:1 84:16 109:23 addresses 88:13 115:6 123:10, 12, 15 124:20, 22 126:5 135:9 176:18 adhere 168:15 adherence 93:7 172:15 adhering 172:5, 10 administered 4:12 administration 12:15 administrational 16:24 administrative 15:14 admit 173:12, 20 176:9 admitted 132:9 168:18 169:19 173:13 174:4 176:6 admittedly 171:16 admonish 164:1 adult 181:20 advice 38:7 43:14 advised 70:16 76:21 82:12 affect 9:5 afternoon 110:1, 6 afterward 119:13 age 69:13 ago 6:4 agree 5:3, 6, 8 77:1 141:12 168:13 agreed 4:1 agreement 4:23, 24 29:17 agrees 4:19 ahead 50:21, 22 121:10 123:22 165:24 al 1:6 allegation 107:13</p>	<p>allegations 86:19, 23 128:24 152:18 alleged 21:24 129:2 166:15 167:15 allowed 41:5, 7 47:2 48:13 52:13 78:16, 18, 23 80:8, 10 82:13 135:25 151:12 157:17 176:18 alterations 148:3 Amapara 58:7, 10 amount 29:15, 19 70:20 72:24 162:20 and/or 170:8 180:22 annual 34:16 answer 8:19 9:15 17:11 19:7 20:22 21:3, 15 22:11 23:23 24:2 26:10, 22 29:8 30:23 31:14 32:19 33:15 36:5, 8, 21 37:11 38:2, 15 39:16 40:7 41:15 44:5 45:3, 13, 20 46:9 47:13, 17, 23 48:21 49:8, 15 59:13 60:1, 21 61:19 62:8 69:10 70:7, 23 71:13 72:7, 21 73:5, 17 74:9, 16 77:21 81:10, 20 84:15 85:14, 24 86:1, 21 87:12 93:18 97:24 99:7 103:7 104:6 105:19 106:8, 15, 25 107:21 108:7 110:12, 19 111:1, 12 116:15, 17 120:25 121:11 123:25 124:5 125:6, 22 130:20 132:21 133:5 136:3 149:12 154:12, 22 155:15 157:4 159:9 161:4, 21 162:3, 23 163:5, 21 165:12 168:22 169:23 170:22 171:7 173:17 174:21 176:20 177:10 178:22 answered 35:18 74:3</p>	<p>164:16 answering 8:15 answers 68:17 167:1 182:7 anticipates 168:14 anybody 71:24 116:20 120:6, 9 133:25 169:18 AP 10:4 47:8 99:20 107:2 108:4 140:9, 13 166:4, 10 173:14, 23 174:1, 4 apiece 69:18 apologies 16:9 47:24 52:25 96:19 103:16 134:6 139:8 143:19 apologize 10:16 96:13 141:3 145:2 174:23 appear 132:22 161:5 appears 56:17 60:24 111:22 112:15 119:15 137:15 161:12 applicable 169:13 application 33:5 34:13 35:11 applications 17:16 33:8, 17 apply 59:23 64:10 70:3 71:9 180:21 appropriate 62:10 181:6 approval 27:15, 16 93:2, 12, 22 94:3, 6, 11, 15 approved 28:8 154:14 approving 28:23 approximately 1:11 179:6 April 148:7 archive 163:13, 15, 19 Argaden 24:17 argument 65:21 argumentative 174:20, 24 arrangement 4:16 asked 9:16 14:7 35:17 63:23 67:12</p>
---	--	--	--

70:11 77:25 82:3
 95:20 101:14 113:18
 116:7 133:23 164:16
 166:10, 15, 23 170:2,
 6
asking 6:6 8:4 36:6
 49:5 59:14 63:1
 69:5 94:16, 21, 25
 95:6 107:19, 23
 108:25 113:17
 133:25 138:18
 148:14 160:14, 16, 23
 164:19 165:18 166:4
asks 95:12 108:4
aspect 16:24
aspects 25:19
Asset 30:16, 19, 20,
 25 31:5, 22 32:3, 12
 38:22 39:3 77:15, 24
 78:1 109:9 110:23
 112:22 123:19
 124:21 145:15 146:1
 152:13 153:17
 165:15, 19
assign 181:6
associate 15:15
 29:18 48:12 59:16
 93:6 103:18 109:25
 111:3 115:4 122:25
 137:25
associated 119:17
associates 39:2
 81:22 82:4 87:12
 114:15 140:6
assume 6:22 92:15
 104:21
attached 114:18
 181:16 182:10
attend 11:22, 24
 12:4 15:3
attention 39:1 73:11
 85:8 164:12 166:11
attorney 5:20 9:22,
 24 180:8, 9
attorneys 4:6
audio 112:23 113:6,
 16
authority 26:14
 27:15, 17 36:18, 25

37:10, 14
authorized 124:14
automatically 163:18
available 69:14 92:22
Avenue 2:13
avenues 18:17
avoid 87:1 174:13
 175:9 176:11 178:15
aware 7:14 8:13
 23:2, 4, 6, 10, 13, 16
 46:16 53:6 55:25
 59:18 60:2, 8 61:23
 63:10 65:9 72:23
 73:2, 19 82:1 83:2,
 11 85:10 118:24
 119:9 126:5 145:6,
 17 152:17 154:3, 6
 169:18, 24

< B >

bachelor's 12:11, 14
back 10:18 16:16
 41:23 54:18 55:11
 66:16, 20 69:17
 81:25 86:11 88:4
 105:6, 8 111:18
 115:6 119:18 122:14
 141:6 150:5, 14
 176:8 178:1
backwards 14:20
bag 49:11
bags 49:25 69:12, 15,
 16 70:17 93:4, 5
 144:12
Barbara 102:5, 13, 14
 103:10, 17 104:12
 105:6 106:3, 11, 18
 107:8, 17, 18 117:21
 119:20
BARTON 2:11
based 6:24 18:11
 19:22 21:19 35:25
 39:8 61:1 80:20
 86:13 94:1 110:1, 6
 119:14 120:12 124:6
 134:10, 12 161:11
basically 19:16
 43:15 69:17 103:12
basis 63:12 85:11

102:17
Bated 54:22
Bates 54:14 57:7
 58:2, 22 74:19 75:14
 92:6 95:17 96:19
 128:9 136:25 139:2
 142:22 146:12 148:5
 150:16 155:23
 175:19
Bates-stamped 101:25
Bear 100:24 101:19
 131:9
Becker 32:6 114:11
 142:4
beginning 1:11 4:24
behalf 166:5, 6
belief 182:9
believe 9:7 13:18
 16:11 18:6, 21 20:9,
 16 21:4 22:12, 20
 25:18 29:5 33:16
 34:19 42:19, 22
 43:16 45:8 55:6, 25
 76:14 77:16 81:4
 85:4 86:6 87:16, 25
 88:2 92:18 102:16
 105:8, 21 107:9
 109:9, 16 111:7
 118:23 124:7 126:7
 129:3 134:18, 21
 136:4, 8 140:9
 142:19 145:22 147:4,
 25 148:16 149:17, 18
 151:21 152:13
 158:20 161:16
 166:24 167:2 170:6
 171:13 173:25
believed 177:3
bell 82:21
benefits 94:21
best 65:4 118:17
 154:16 182:8
BETTY 2:8, 18 5:4
 9:12 47:24 75:6
 123:23 144:15
Betty.tierney@macys.c
om 2:10
big 69:22 70:2, 9
 91:2

bit 16:17 31:16
 41:16 54:20
blank 115:19
BLM 89:16 92:7
 96:19 98:23 100:13
 101:25 112:1, 2, 6
 115:23 117:2, 10, 11,
 19 128:9 134:15
 137:1, 23 139:3
 142:21, 22 143:13, 17
 144:10, 20, 23 146:12
 148:5, 22 159:15
 175:19, 20
BLOOMINGDALE'S
 1:6 6:3, 8 10:18
 13:5, 17, 20 14:3, 16
 16:16 17:18 18:4
 22:17 23:8, 21 39:9
 41:13 46:23 47:10,
 21 48:4 52:23 53:1,
 3, 24 54:7, 8, 9 55:14,
 18 60:11, 15 61:1
 70:1 72:4 73:15
 76:18, 21, 25 81:7
 82:16 112:19, 21
 128:16, 18 138:6
 147:24 153:10 159:6
 161:2, 14 168:14
 172:5, 8
blurry 54:20 127:6
Bobby 152:9, 21
 153:14 154:1
Booker 152:10, 21
 153:14 154:1
Boston 131:1 132:5,
 10, 15, 19 168:4
bother 58:24 59:4
bottom 57:8 68:25
 92:6 96:20 102:1
 128:10 142:3 145:3
 169:10
bought 157:18
boutique 132:4, 18
 137:16
branding 61:2
break 9:13, 17 41:20
 88:20, 24 89:3 128:2
Brief 42:2 128:6
 141:2 153:24

<p>bring 66:16, 20 150:5 158:13 Broadly 18:9 37:16 88:2 124:11 125:23 Broadway 144:13 Brook 12:23 brought 85:8 107:5 164:11 166:11 bunch 17:21 business 12:15 172:22, 25</p> <p>< C ></p> <p>Cabin 2:9 California 144:19 call 16:23 30:2 39:7 44:19 55:17 88:15 124:18 called 132:4 148:7 calls 175:3 cameras 20:2 capabilities 30:11 card 85:17 111:21 113:22 115:7 116:11, 20 140:22, 23 141:25 care 51:14 carefully 181:4 Case 1:5 3:19 5:20 10:21 11:3 105:17 149:25 172:2 cases 6:25 Castellani 32:7 45:25 84:5 99:17 106:13 109:24 114:10 117:21 119:20 category 98:12 Cathy 3:12 41:11, 12 42:17 43:1, 7, 13 46:7 48:15 57:24 62:8, 12 63:13 64:23, 24 65:8 67:9, 23 69:3 74:5, 11 109:15 122:16 157:16 CC 102:5 109:5 CC'd 106:12 CCR 1:12 180:14 CCR-NJ 180:15 Centers 27:13, 19</p>	<p>28:1 central 35:11 centrally 93:7 certain 29:15 34:4 79:20 162:19 certificate 12:20 certification 4:2 180:16 certify 180:3, 5 certifying 180:22 cetera 53:23 chain 3:16 67:17, 24 69:11 Chanel 3:1 42:15, 23 43:14 47:9, 16, 20 48:6, 10, 18 49:7, 17 52:2, 5, 20, 25 53:2, 13 55:14 60:10, 14, 24 61:16 64:14 69:17, 22 70:1, 17 72:4, 18 80:20 92:13, 14, 17, 19, 21 98:24 109:13, 25 116:4 117:23 118:5 126:21 129:7 131:13 135:8 140:6 144:12 146:2 167:17 Chang 144:16 change 26:12, 14 53:5 55:23 59:15 63:22 69:8 70:16 72:10, 14 166:25 181:7, 8, 11 changed 22:18 53:7 55:23 changes 26:16, 19 56:1 59:18, 20 60:3 65:23 67:13 72:23 73:19 181:5, 15 182:10 changing 41:19 charge 23:17, 19 109:21 144:6 Chris 32:7 83:12 84:5, 7, 18 102:5 106:17 109:4 114:17 117:21 118:8 119:20 Christopher 45:24 84:3 99:17 106:13</p>	<p>109:24 110:16 111:9 114:10 claim 22:15 claimed 131:18, 22 clarification 175:13 clarify 18:2 19:8 146:24 174:25 clarity 6:16 classes 18:13 clear 7:3 54:17 64:18 72:13 91:18 92:14 130:16 141:9 clearly 87:3 client 64:2 65:13 clients 63:19 144:14 Co-counsel 2:16 colleagues 34:21 college 12:4 column 181:7 come 6:15 26:9 28:6 30:4 38:21, 25 39:2 115:6 118:11 158:16 comes 38:22 44:23 120:21 comfort 95:18 comment 124:21 comments 18:11 21:23 Commission 180:16 committed 174:9 committing 176:14 communication 56:18 83:22 company 97:2, 18 98:8 136:13 169:12 company's 17:8 120:20 125:13 154:7 competent 181:20 complain 148:19 complainant 19:23 22:9, 13 complained 148:24 158:8 164:22 complaining 149:9, 20 Complaint 3:20 18:15 22:21 118:21 119:2, 5 120:12, 23 147:13 152:16 170:7, 8, 14, 25 171:4, 9</p>	<p>complaints 17:25 21:6 22:25 122:12 152:17, 21 154:2, 4 completely 78:21 80:5 115:4 172:24 compliance 169:13 computer 17:15 79:17, 21 computer-based 17:6, 8 concerned 103:5 104:3 concerns 145:12, 14 concluded 179:5 conclusion 30:5 175:4 condition 8:18 119:24 120:2 conditions 29:25 154:9, 10 155:13 Conduct 3:14 17:23 18:24 34:16 35:13 166:5 conducted 22:14 34:18 121:5, 13 confident 141:9 confirm 57:25 138:20 consecutive 68:15 101:10 consent 4:16 112:19, 25 consider 104:25 118:20 119:1, 4 considered 125:10 130:3 consisted 16:22 consistent 54:1 constantly 82:24 consult 37:19, 23 40:11, 15, 16 48:15 105:12 consultation 30:7 consulted 38:10 100:6 contact 118:17 contacted 31:5, 11 118:10 contained 180:4</p>
--	---	--	--

context 67:22	correspondence 43:12 104:11	dated 3:18 75:23	118:5 126:22, 24
continue 8:11 123:19	cosmetics 92:17	97:3 102:8 113:4	145:15 148:1, 3
continued 148:24	cost 88:17	147:15 182:5	177:7
continuing 80:4	Costa 146:3	David 2:16 32:7	departments 92:17
contract 15:9	COUNSEL 2:8 4:2,	109:5, 8, 9	98:11
contradict 53:12	15, 18, 22, 25 62:25	day 83:14 167:12, 15	depended 28:24
contribute 114:20	67:15 68:3 89:24	days 10:10 83:11, 23	Depending 19:1 20:3
control 56:13, 22, 24	95:1, 12 101:1 110:3	146:1 181:23	depends 111:2
180:22	122:2 127:25 136:24	day-to-day 16:23	depo 62:1
conversation 72:2	141:18 146:17	17:5 25:19 26:2, 4	deposition 1:9 3:12
76:10, 13, 15 77:5, 8,	167:14 180:8, 9	65:10	6:6 7:7 9:20 10:20,
9 83:22 107:10, 11	181:22	Dear 76:17 97:14	25 62:3 67:9 179:5
122:18, 21 148:11, 13	count 49:3 73:22	December 1:11 13:9	181:3, 5, 13, 17, 23
149:3 150:14, 17, 20,	91:21	182:5	182:5
21 151:2 158:3, 12	counted 49:13, 17	decided 76:22	depositions 6:15
conversations 9:21	counting 91:19	decision 19:20 37:14,	DEREK 2:3 5:3
31:24 40:23 42:25	couple 32:4 35:2	20 38:13 61:11	described 155:1
43:7, 20 46:1 72:9	96:3 164:16 177:21	63:13, 16 77:2, 19	DESCRIPTION 3:1
74:4, 11 78:5, 7	courses 12:19	86:12 92:9 93:15	designation 69:16
100:9	COURT 1:1 4:6, 20	99:4 100:5 105:1	detail 95:14 133:2
convicted 11:7	7:21 110:3 141:18	158:18, 19	details 3:19 138:17
copy 179:2	150:1 181:22	decisionmaking	determination 19:20,
corner 96:20 128:10	coworkers 57:7	36:24 178:19	25 28:20, 22 92:20
corporate 25:2	78:22 80:6 82:14, 25	decisions 37:6, 7, 16,	129:15, 16 141:10
27:23, 24 28:8, 10, 17	153:16	25 38:10 39:20 40:4	determinations 39:13
44:18, 23, 24 140:9,	created 60:18 69:13	143:25	determine 47:4
12 148:10 154:15	credit 81:14 85:17	declare 4:13	Diaz 42:21 43:20
correct 5:22 6:17, 18,	111:20 113:22	deem 126:16	46:12 74:15 122:16
20 7:15, 19 25:1	116:11, 20 144:11	Deer 12:1	difference 25:16, 18
27:21 28:21 34:3	crime 11:8	defendant 11:5	48:8 59:10 61:8, 10
35:14, 15 43:10 45:1	criminal 7:10	Defendant(s) 1:7	66:2 69:5 99:4
46:4, 5 53:9, 10	Critical 172:22, 25	Defendants 2:11, 16	108:21, 23 113:21
58:15 70:12 71:10	current 12:24 13:1	5:5 148:10	130:8, 9, 11 135:22
77:15 83:20 89:18	103:19 104:15	defense 62:25	142:8 161:18, 23
95:24, 25 98:18, 20,	currently 144:25	degree 12:11, 14, 15,	174:25
23 99:24 102:6	customer 93:6 98:13	16 17:4 34:4	differences 63:10
106:23 109:1 113:7,	customers 82:14, 24	degrees 12:8, 10, 12,	different 10:4 12:10,
8 125:1, 2, 4 129:2	92:23 115:5	13	11 18:17, 22 24:14
130:18 131:5 132:10	< D >	Delaware 1:14	29:12 32:5 35:3
134:4, 20 136:1	Dahan 142:17, 22	delineation 105:25	40:24 53:16 62:16
137:14, 22 146:18	143:14 145:4, 11, 25	Dennis 42:20 43:20	65:17 71:3 87:20
158:24, 25 163:16, 17	Dan 140:4, 7 141:11	46:12 74:15 122:16	88:12, 13, 14 101:11
168:10, 19 170:10	dash 117:10	department 15:16	115:7 124:20 161:13,
171:1, 2, 11, 12, 17	date 13:6 33:11, 12	24:5 27:2, 4, 9 30:8,	25 176:18
176:18 177:4 180:5	78:4 83:20 136:12,	16, 19 32:17, 21 38:6	differently 48:25
182:6	13 140:2 143:19	42:13, 18, 23 43:14	difficult 96:7
CORRECTION	156:18 166:17	47:9 48:18 52:3	digitally 121:23
183:2	181:12 182:15, 19	55:14, 18 65:9 70:1	direct 34:20 43:6, 8
correctly 17:13		72:2, 18 81:16 82:24	180:21
correspond 102:24		94:20 97:8, 10 103:9	

<p>directly 28:4 125:17 132:17 145:4</p> <p>director 25:15, 17 42:18 103:10 111:3 140:16</p> <p>directors 35:21 106:2</p> <p>disciplinary 13:19 15:21 33:12 34:23, 25 39:9 46:6, 17 103:18 104:3, 10, 14 105:11 107:19 108:5, 22 129:19 133:17 134:9 153:3</p> <p>discount 10:3 46:23 47:6 56:5 76:23 84:9 86:13 88:5 110:2, 7 116:12 129:5 131:12 134:24 135:4 144:12</p> <p>discounts 63:15</p> <p>discrepancy 72:3, 15, 16, 19</p> <p>discrimination 18:1, 3, 5, 15 19:15, 21 20:20 21:7 22:6, 22 23:1, 8, 20 24:12 118:21 119:2 120:23 148:20 152:24 170:8</p> <p>discriminatory 148:25 149:10</p> <p>discuss 158:17</p> <p>discussed 133:23 165:4</p> <p>Discussion 50:14, 17 89:9 117:15 127:19 128:5 140:24 141:9 143:10</p> <p>discussions 29:16</p> <p>dismissed 150:2</p> <p>DISTRICT 1:1, 2</p> <p>diverter 110:7 124:3, 8, 10, 11, 23 125:7, 10 152:3 171:14 177:3, 4, 8, 15</p> <p>docs 95:17</p> <p>document 20:7 50:18 51:2, 6 52:7, 10, 11 56:6, 9, 12, 13, 17, 21, 22 57:2, 4 61:14, 17 66:23 67:1</p>	<p>68:4, 11, 20 74:1, 23 75:1, 11, 17, 19 79:18, 19 82:1 89:15, 22 90:21 91:10, 24 92:5 93:1 96:2, 8 97:4 98:4, 15 101:6, 22, 24 103:15 111:18 112:14 113:23 114:5 115:15 117:5, 7 119:19 122:15 127:1, 12, 24 128:12, 14 129:4 130:24 131:9 136:16, 18, 20, 22 137:7, 12 139:3, 11, 13, 18, 20 141:7 143:5, 8, 9, 13 146:19, 22, 25 147:4, 12, 14 150:16 155:23 156:4, 7, 12, 14 159:18, 20, 22, 24 160:6, 15, 18 169:5 175:17, 21 176:3, 5, 8 178:1, 7</p> <p>documentation 20:5 28:16 79:14 121:23</p> <p>documented 31:12, 20, 21</p> <p>Documents 3:15 9:23, 25 10:2, 4, 9, 12 20:11 79:24 84:18 85:1 90:2 95:23 121:16 137:10 161:10 163:1, 11, 13, 19</p> <p>doing 24:1 44:6 51:17 72:18 136:7 144:7 164:23</p> <p>door 141:4</p> <p>dot-dot-dot 89:17</p> <p>due 46:23</p> <p>duly 5:10</p> <p>duties 16:19 77:18 172:14</p> <p>< E ></p> <p>earlier 19:15 84:17 134:17 150:15 155:1</p> <p>early 167:14</p> <p>eat 89:7</p> <p>economics 12:14</p>	<p>educational 12:19</p> <p>EEO 10:3</p> <p>effect 104:13 105:9</p> <p>eight 178:13</p> <p>either 8:18 15:18 34:20 46:17 74:5 100:6 117:13 121:23 172:9</p> <p>elaborate 26:2 33:24 48:22 86:22</p> <p>Eleanor 142:17 143:14</p> <p>eleven 178:13</p> <p>E-mail 3:16, 18, 22 43:12, 13, 24 50:12 67:24 75:22 102:11 103:2 105:6, 8 106:12 108:17 110:9 114:6 117:20, 25 119:8, 14, 19 120:13 122:21 139:22 159:7 161:2, 6, 11, 13 162:13, 15 170:1 172:6, 10, 15, 17</p> <p>e-mails 31:24 162:19 163:15</p> <p>employed 10:17 52:6 55:13 180:9</p> <p>employee 10:2 16:25 26:5 28:2, 9, 12 37:10 40:22 44:18 47:7 48:4 49:22 52:24 53:14 60:5, 11 69:13 72:17 84:19 92:4 97:13 104:22 120:20, 21 144:15 151:16 152:5, 6 180:8</p> <p>employees 17:9 23:18 32:17 33:23 34:3, 6, 23, 25 36:19 56:5 69:14 105:15 116:22 123:14 126:1, 4 135:25 146:2, 7 164:5 165:17, 21 168:14 169:15 176:17</p> <p>employee's 33:11 34:20 40:22 106:6</p>	<p>employer 12:25 13:1, 4</p> <p>employment 6:7 13:7 41:18 42:5 74:5 102:21 143:20</p> <p>encompassed 17:21</p> <p>ended 16:3</p> <p>enforced 24:12</p> <p>enforcing 23:19</p> <p>ensure 93:7</p> <p>ensuring 81:17 172:15</p> <p>entail 19:11, 12</p> <p>entailed 19:14</p> <p>enter 34:10</p> <p>environment 21:22, 25 22:7, 22</p> <p>Equifax 97:2</p> <p>ERRATA 181:7, 10, 11, 16, 21 182:10 183:1</p> <p>ESQUIRE 2:3, 8, 13</p> <p>essential 30:11</p> <p>essentially 34:2 36:22</p> <p>et 1:6 53:22</p> <p>Eunice's 62:9</p> <p>evade 86:5 87:1</p> <p>evader 171:17</p> <p>evading 85:18, 22</p> <p>evasion 80:21 84:9 86:15 129:6 131:18, 22 168:18 169:20 173:12, 21 174:5, 10, 18 175:10 176:6, 9, 15</p> <p>event 73:7</p> <p>events 69:13</p> <p>everybody 50:20</p> <p>evidence 63:17 64:14 126:16 180:3</p> <p>exact 76:7 140:8 174:11</p> <p>EXAMINATION 5:14 167:8 173:8 177:23</p> <p>examined 5:11</p> <p>example 21:19 49:11</p> <p>exceed 81:18 152:2</p>
---	--	--	---

<p>exceeded 47:5 70:20 71:10 93:15 135:4 151:25 exceeding 47:1 55:5 152:6 164:14 165:1 exceptions 71:15 excerpt 3:1 67:8 exchange 58:6 excuse 52:22 169:19 172:11 excused 179:4 executive 25:4 102:15 122:9 executives 16:21 24:22 36:23 37:18 107:4 144:9 exhibit 51:8 56:4 60:23 113:25 139:5, 6, 8 142:24 167:25 175:19 Exhibit-1 51:16 Exhibit-A 3:1 51:18, 19 54:14 Exhibit-B 3:1 56:6, 7 57:5 67:17 68:2 69:3 Exhibit-C 3:1 66:24 67:8 Exhibit-D 3:13 74:20, 21 75:15 Exhibit-E 3:14 89:12, 13 91:18, 20 92:6 96:18 169:3 Exhibit-F 3:15 101:2, 4, 24 175:15, 16 Exhibit-G 3:16 117:1, 3, 18 Exhibit-H 3:17 127:9, 10 128:9 Exhibit-I 3:18 139:8, 9 141:7 Exhibit-J 3:19 143:3 Exhibit-K 3:20 146:13, 14 175:15 Exhibit-L 3:21 156:1, 2 Exhibit-M 3:22 159:16</p>	<p>EXHIBITS 3:1 50:4, 6 exist 79:12, 13 expected 145:24 169:15 expensive 70:11 experience 66:3 Expertise 27:13, 19 28:1 116:17 Expires 180:16 explain 16:17 19:14 explaining 63:7 explanation 111:13 expressing 145:12, 13 extent 175:3 < F > facilitated 27:12 fact 63:13 145:8 167:17 171:13 175:7 factor 73:14 93:14 104:25 facts 19:24 failure 23:5, 14 Fair 173:3 Fairfield 2:14 fall 15:17 24:5 71:4 111:6 fallen 24:7 122:7 familiar 52:7 147:22 172:21, 24 familiarize 160:3 family 13:14 87:24 88:8 125:15 178:15 far 82:11 84:25 fax 97:12 FBI 145:5, 6, 9 February 55:20 federal 150:1 fee 129:8 135:10 feel 78:20 80:5 126:15 171:8 fell 15:18 19:2 111:3 122:13 fellow 140:16 felt 170:7 file 76:18 90:4 filed 147:16 156:18 files 17:9 32:17, 22 34:23, 25 filings 181:17, 22 filling 102:16 103:11 financially 180:9 find 101:18 105:11 176:5, 7 findings 20:19 32:13 84:4 129:15 132:1 fine 35:24 41:23 48:1 51:14 68:11 fire 36:10, 15, 19 37:21 38:13 fired 126:10, 14, 15 134:2 153:6 firing 38:23, 24 39:1 first 17:6 25:11 28:9 53:22 57:7, 8 58:10 60:23 61:13 68:4, 10, 22 73:2 75:14, 16 82:13 90:12, 16 91:12, 14 93:13 110:10, 24 118:23 128:10 136:20 147:12 151:15 five 41:21 56:14 78:12 128:3 178:13 Flast 109:5, 17, 18 floor 83:15 FMLA 27:2, 4, 9, 10, 13 44:10, 12, 25 45:11, 16 focused 25:19, 20 folder 20:12 161:10 163:3, 11 172:19, 22 173:1 folders 32:22, 23, 25 33:2 folks 115:7 follow 43:17 followed 111:22 following 181:9 follows 5:12 follow-up 77:25 111:22 footage 20:4 foregoing 180:4, 16 182:5 forgo 39:21 forgot 65:22</p>	<p>form 3:21 4:4 17:10 18:10 19:7 20:21 21:3, 14 22:10 23:23 26:21 29:8 30:22 31:13 32:18 33:14 36:4, 20 38:1, 14 39:15 40:6 42:8 44:4 45:2, 12, 19 46:8 47:12 48:20 49:4, 14 59:12, 25 60:12, 20 61:18 70:5, 22 72:7, 21 73:4, 16 74:8 77:20 81:9, 19 84:14 85:14, 23 86:21 93:18, 21 99:7 103:6 104:5 106:7, 14, 24 107:20 108:6 110:11, 18, 25 111:12 115:19 116:14 120:14, 24 123:25 124:4 125:5, 21 130:19 132:20 133:4 136:2 149:5, 11 154:11, 21 155:15 157:3 159:8 161:20 162:2, 22 163:4, 20 164:15 173:17 176:19 177:9 181:5, 8 format 112:23 former 57:6 144:15 forms 177:7 forward 66:15 117:22 forwarded 118:3 found 20:20 four 78:12 93:4 178:13 fraud 31:10, 19 113:22 114:20, 24 115:5 116:12, 20 144:11 169:19 fraudulent 111:20 Fred 32:6 114:10, 17 142:3 frequency 124:19 126:3 frequent 155:3 friends 87:24 88:9 125:15 178:15</p>
---	--	---

front 7:18 51:3
56:12, 17 67:7 75:16
119:14 178:10
Fulford 140:5, 10
full 15:3
fully 112:23 180:4
functions 29:21
30:11
further 4:11 118:16
119:23 122:17
129:19 140:24 141:8
177:18 180:5
FYI 103:12 119:21

< G >
gaps 68:16
gender 21:20
general 21:1 92:16
109:13 155:9 176:21
generally 11:15 34:8
GERBER 2:13 5:7
9:12 50:9, 24 51:7
75:6 90:20, 24 91:3
100:18, 23 136:24
137:4
getting 75:4 86:11
88:4
gift 129:20 140:21
142:9
gifts 141:23 142:10
GILMAN 2:11
girl 59:4
give 7:9 20:14 29:3
39:13, 21 40:3, 4
50:3 56:22 91:9
112:24 151:4
given 29:15, 24 30:6
43:15 47:2 48:14
94:10 122:2 154:20,
25 155:12 157:14
182:7
glad 62:15
glancing 91:11
go 7:11 11:11, 13, 14
50:21, 22 54:18
55:11, 14 57:5 58:1
64:20 66:19 68:8, 22
78:9, 10 82:25 83:25
89:5, 8 92:7 96:10
97:11, 17 99:12

101:9, 13, 17 110:24
112:1 113:23 115:10,
22 121:10 122:8
123:22 130:23
131:25 132:25 148:4,
5 165:24 178:1
goes 80:10 110:23
going 6:21, 24 7:11
16:16, 23 21:21
23:22 30:1 39:7
41:17 42:4 44:19
48:11 55:17, 18 58:2
62:2, 3, 7, 11 64:6
65:7 66:12, 19 67:15
68:7, 13 69:6, 17
70:4 72:6 78:10
81:3, 5, 8, 25 85:13
86:13, 20 88:15, 21
89:5, 25 90:11 93:17
94:25 95:5, 22 99:6
103:12 111:11, 18
124:18 125:20 127:2
144:20 145:7 147:6
149:4 150:4, 14
153:22 169:3 173:16
174:19 177:20
Gonzalez 114:7
Good 5:17, 18 41:25
91:1 108:21
gotten 93:21
graduate 12:6 15:3
grand 7:9
grant 28:20 41:7
Grievance 3:13, 21
53:9 75:22 76:18
77:1 156:22 158:17,
23 164:21
grievances 40:25
41:1 159:5
GROUP 2:3 5:3
109:13, 19
guess 15:18 17:5
40:2 68:12 108:16
160:13 164:2
guidance 38:5 107:3,
5, 7
guidelines 93:8
guilty 11:8
guys 58:11

< H >
half 88:22
Hampshire 129:8
131:5, 14 132:3, 14,
15 135:9, 12 144:14
168:2
Handbag 3:1 42:23
50:16 51:25 52:5, 19
53:1 55:23 56:1
59:23 60:10 61:16
69:9 70:3 71:9 72:4,
17 73:14 74:6, 12
92:3 99:2 118:5
126:21 129:7 131:13
135:9 146:2 151:17,
25 152:2, 6 164:14
165:1, 5
Handbags 42:16
49:2, 7, 17 52:13
53:25 57:16 58:12
59:1 60:4 73:3, 8
78:17, 22 80:7, 20
92:13, 14, 17, 19, 22,
24 93:4, 13 109:21,
25 117:23 151:14
156:23 157:7, 10
handbook 10:3 47:7
48:5 49:22 52:24
53:1, 3, 14 54:9 60:5,
11, 15 63:12 72:5, 17
73:15 84:20 85:17
86:9 92:4 156:23
177:17
handle 17:25 27:10
40:25 41:1 53:9
159:5
handled 106:1, 2
158:23 159:2
handling 103:24
105:10, 15
happen 121:7
happened 63:25
65:8 153:7, 16, 17
happening 62:13
80:9 120:22
happy 8:10 9:14
160:25
harassment 19:15

152:16, 18, 22
Harris 2:19
hash 53:22
head 7:24 10:1, 6
16:11 21:11 24:17
33:7 34:14 36:17
38:6 81:1 138:3
155:5
hear 118:11, 13
heard 62:14 165:7
172:23
hearing 165:5
held 1:10 50:14, 17
89:9 117:15 127:19
128:5 143:10
help 65:7
Hey 57:13 58:10, 24
59:4
Hi 57:20 103:24
118:4
high 11:22, 24 12:1
111:20
high-end 132:4
hire 33:11 36:12
42:10 136:13
history 93:6
HOC 2:8 5:5
Hoelz 102:5, 13, 14
103:17 106:4 117:22
119:20
hold 140:25
home 125:17 174:15
honest 98:14
honor 154:16
hope 169:4
hopefully 90:18
hostile 21:22 22:6, 22
hostile-type 21:24
hour 88:21, 25
hours 8:24 9:3
housed 33:18
HR 14:10 16:18, 24
24:21, 22, 24 25:4
26:20 27:2, 4 31:7
32:14 34:3, 21 35:5,
16 37:17 40:14 72:2
76:21 83:10 102:14
103:9 106:2, 5 107:4
111:3 118:14 122:9

<p>140:16 144:9 145:12 166:3 human 12:16 14:4 15:19 16:21 18:21 24:8 25:14 31:4, 10 35:20 36:23 153:18</p> <p>< I > icon 53:22 ID 97:13 identification 51:20 56:8 66:25 74:22 89:14 101:5 117:4 127:11 139:10 143:4 146:15 156:3 159:17 illegal 125:12 imaging 104:14 105:11 immediate 35:6 immediately 14:18, 19 impair 8:14, 19 important 7:23 improperly 151:6 Inappropriate 62:17, 20 66:15 incidents 31:9 included 106:17 including 33:11 indicate 4:22 93:20 94:2 indicating 110:2, 7 individual 21:23, 24 29:14, 17 individuals 24:3, 14 29:12 32:5, 8 35:3 39:2 40:24 56:19 114:19 128:25 130:7 141:23 165:3 informal 7:17 information 33:11, 19, 22 34:6, 10 35:4 38:17 53:18, 20 77:23 93:20 94:1, 9 97:6 99:23 114:18 119:12 124:7 130:17 143:20 162:12, 21 164:24 166:10 informed 45:8, 16 112:25 119:16, 22</p>	<p>122:15 IN-HOUSE 2:8 Initially 13:25 14:6 25:6 90:12 initiated 170:13 input 33:22 34:6 35:4 inquiring 72:3 instance 53:21 104:12 105:20, 24 126:13, 14 129:17 130:6, 15 166:14 instances 130:7 166:9, 13 INSTRUCTIONS 181:1 inter 99:22 interaction 27:12 32:15 40:17 interactions 40:18 41:15 65:10 153:11 interest 14:8 interested 73:10 167:20 180:9 interesting 62:24 interim 78:8 102:16 108:3 intermittent 44:10, 12 155:17 interpret 62:12 63:1 interpretation 49:21 65:3 interpreted 176:14 interview 42:6 99:17, 21 102:5 111:21 112:20 113:16 141:17, 22 interviewed 14:5, 6 168:19 introduce 61:25 62:3 66:23 introduced 5:19 introducing 64:12 invest 165:8 investigate 126:2 128:11 158:5 164:13 165:19 170:14 171:3, 10 investigated 85:7 170:17</p>	<p>investigating 122:10 123:20 investigation 10:4 19:2, 5, 11 22:14, 18 31:22 46:4 84:4, 8 99:18 103:3, 24 105:10 106:6, 20 110:1, 6 119:23 120:6, 12, 17 121:5, 14, 20, 21 123:8 128:18, 21, 23 134:12, 13 145:5, 7, 9, 14 149:16, 17 164:5, 25 165:9, 16, 21 170:13 171:1 173:14, 23 174:1, 4 investigations 17:23 18:25 19:12, 13 20:8 32:13 33:13 108:4 111:16 113:10 153:19 166:5 Investigative 3:17 investigator 141:11 investigators 140:5 involve 31:7 involved 22:5 30:13 32:14 36:2, 7 106:5 108:4, 10 145:9 151:21 172:12 180:8 involvement 31:5 102:19, 22 172:2, 4 involves 18:9 Island 11:21 issue 84:23 items 47:1 48:12, 14 57:25 59:16 70:11 71:3 72:24 81:23 88:5, 17 130:13 135:2, 3 141:23 175:8 its 156:10 168:14</p> <p>< J > January 15:5 Jersey 1:13 180:16 job 30:12 77:18 81:22 103:20 104:18 148:9 jobs 15:9</p>	<p>judge 7:18 judgment 150:2 June 13:18 75:23 76:19 78:4 97:3 102:8 103:16 114:9 117:20 118:12 150:17, 22 jury 7:10, 19</p> <p>< K > Kavanagh 76:2, 3 156:18 keep 33:1 34:22, 24 81:7 90:21 144:20 163:2 keeping 106:19 Kemi 58:24 kept 32:21 108:13 kind 69:22 101:10 knew 44:18 63:11 65:22 107:15 120:6 160:17 knocking 141:4 know 5:21, 23 6:1, 2 7:14 9:15 21:10 24:1 28:3 32:22 35:23, 24 36:16 41:10, 12, 14 43:22, 25 44:9 45:6 50:5, 8, 12 51:5 56:13, 14 57:18 58:7, 24 60:9 64:11 65:6, 17, 21, 23, 25 66:10 70:10 71:7, 14, 21 75:2, 4 76:2 77:8 78:7 79:11 82:19 84:24 88:23, 25 89:4, 6, 22 93:24, 25 95:16 96:4 101:9 102:18, 22 104:7, 17, 19 107:22 108:8, 24 109:1 110:13, 20 112:2 113:21 114:7, 24 117:8 118:6, 14 122:3, 22 124:1 131:21 133:21, 22 138:2 140:14 142:17 143:8 144:2 145:21 146:6 152:9 153:5, 6, 7 156:7 159:11, 21 160:15 161:21</p>
--	---	---	---

162:18, 21 164:10
 167:12, 16, 23 169:25
 172:19 173:24
 175:23 178:2
knowing 64:18, 21
 119:9
knowledge 41:9
 42:15 44:11 46:19
 49:8, 16 60:13 64:15
 70:15 105:5 119:8
 151:18 152:23, 25
 153:2 168:5 182:9
known 99:2 124:23
 129:24 130:3 132:18
 136:9
Kotsovolos 149:1
KRISTINA 1:3 5:21
 6:7 42:6, 7, 14 43:1,
 7, 20, 22 45:25 46:2,
 20 49:23 57:6, 14, 21
 58:7, 23 61:11 71:17
 75:22 77:6, 8 78:5, 7
 79:1, 8 80:13 83:16,
 19 84:12 85:6 86:19
 88:8 92:10 93:15
 97:13 99:5, 20 100:5
 102:4 108:21 109:25
 111:10 112:6 113:3
 116:4 117:22 118:3,
 4, 17 119:15, 21
 122:16, 23 123:9, 10,
 18, 20 124:3 125:14
 126:6 129:2 130:10,
 12 131:4 132:13
 140:18 142:5 150:15,
 17 151:4, 10 152:15,
 18 154:2, 5 155:20
 156:19 158:1 159:2
 164:7, 20 173:12, 20
 176:6 177:3
Kristina's 41:17
 42:5, 21 43:16 48:16
 53:9 74:5 76:9 97:7
 99:16 102:21, 25
 104:9 105:1, 7
 107:19 116:8 137:25
 138:2 157:25 166:18

< L >

Labor 94:20 97:8,
 10 177:8
lactation 30:2
Lai 129:10 132:3, 4
 135:12 138:8, 15
language 177:12
large 86:12
laugh 59:5
LAW 1:10 2:3 3:1
 5:3, 10, 17 76:21
 80:11 81:20 84:15
 85:14 102:6 125:6
 148:7, 24 156:24
 157:16 160:21
 167:11 168:13, 15
 169:7, 13 175:5, 25
 178:9 182:3, 15
laws 169:16
lawsuits 23:7
lawyer 10:24
lawyers 10:24
leadership 40:24
learn 45:10
learned 164:24
leased 55:15, 18
leave 13:12 15:1, 4
 27:10 44:10, 25
 45:11 145:22 148:9
 155:18
Lee 146:3
left 13:11
legal 175:3
lend 63:15
letter 77:1 145:12,
 16, 17, 18
lettering 51:8
letters 51:11, 16, 17
level 14:7 95:18
 111:20
License 180:15
lieu 4:11
lift 29:14, 19
Lily 109:5, 17, 18
limit 47:1, 5 49:13,
 18 54:6 57:15 58:12,
 18 59:1, 3, 24 60:3
 64:10 69:8 70:3
 71:9, 15, 18, 23 78:20
 80:12, 14, 25 81:3, 6
 82:5 93:16 98:12

152:1, 3, 6 155:1
 164:14 165:2
limitations 82:2
limited 147:3
limits 47:16, 20, 21
 48:3 49:3, 6, 24, 25
 54:4 55:5, 24 57:24
 63:22 67:13, 14 69:9,
 19, 20 70:12, 16 72:4,
 10, 15, 17, 23 73:14,
 19, 23 74:7, 12 81:8,
 18 84:24 86:14 99:2
line 170:4, 11 178:3,
 14 183:2
lines 78:13 104:23
link 50:6
linked 145:4
liquidate 73:8
liquidation 49:12
 62:1 63:8, 24 64:13
 73:3, 13, 21 94:4
 99:3 167:15, 17, 22
list 136:11
little 16:17 31:15
 41:16 54:20 90:19
 127:5
live 11:20 125:15
LLP 2:11
load 139:13
locate 104:13
location 16:22 25:4
 27:14 30:17 37:18
 132:2 136:12 152:14
locations 88:14
 130:14
Long 11:21 64:21
 68:13 89:4 118:14
 163:2 167:12
longer 66:6
look 20:1 37:24
 51:2 52:19 54:19
 56:22 57:8 68:3
 70:20 72:19 74:25
 75:20 85:1 89:22, 23,
 24 94:17, 18 96:17
 101:8 103:14 109:2
 112:11 115:2, 3
 117:7, 19 123:7, 9
 127:4 129:5 131:8
 133:13 136:10, 19

139:2 143:7, 17, 18
 144:10 146:12, 21
 153:23 155:22 156:6
 159:20, 24 169:9
looked 67:25 71:21
 87:14 112:10 139:20
looking 47:20 67:3
 70:19, 25 76:16
 87:15, 16, 21 90:24
 91:6 101:23 109:3
 122:14 123:12 128:9
 133:9, 18 135:7
 137:1, 19 138:20, 22
 143:12 178:2
looks 115:4
loop 106:19 108:13
loss 83:13
lot 153:11
loud 59:5
Louis 2:10
lower 14:7
lunch 88:24 89:3, 7,
 10
luxury 70:11

< M >

MACY'S 2:8 14:21,
 23 15:2, 4, 13, 21, 24,
 25 76:24 82:16

Macy's/Bloomingdale's
 81:13
main 145:4
maintain 32:17
making 6:14 19:25
 37:6, 20 100:4
 123:10 138:14 142:1
 143:25 181:8
management 12:17,
 21 15:19 25:20, 22
 93:1, 12, 22 94:2, 6,
 10, 15
manager 14:4, 10
 16:15, 18 18:20
 25:17 40:14 42:21
 82:3 87:12 109:10,
 13, 20 149:18 152:14
managers 30:13
 38:21 41:5, 7 80:8
 83:1

<p>Manchester 131:4 132:3 Margaret 115:11 116:3 marital 18:12 marked 51:19 56:7 66:24 74:21 89:11, 13 101:4 117:3 127:10 139:9 143:3 146:14 156:2 159:16 Martha 55:8 134:15, 16, 19 138:6, 11, 14 141:15 142:9 151:22, 24 Massachusetts 131:1 132:5, 10, 19 masters 12:18 master's 12:12, 15, 16 17:4 matter 4:14 5:6 7:10 44:17 180:5 matters 13:13 max 54:1 maximum 52:13 92:24 93:13 mean 6:23 18:2 19:9 26:2 33:24 40:16 43:8 48:23 65:11 72:1 90:3, 4, 11 96:18 104:16 146:13 159:23 160:10, 13 176:14 means 104:19, 21 180:21 meant 16:8 62:12 63:2 69:19 medical 28:5, 7, 13, 16 45:7, 9 119:24 120:2 145:22 148:15, 16 154:8, 10 155:7, 9, 11 medication 8:23 9:2 meet 78:3, 4 meeting 5:24 76:20 79:8 83:10 112:21, 25 meetings 31:23 40:23 MELISSA 2:3 5:2 6:13 16:8 41:21</p>	<p>51:8 54:13 62:14 90:13 91:5, 17 Melissa@dereksmithla w.com 2:6 members 35:5 MEMO 111:23 115:17, 19 memory 121:17 MENDOZA 2:3 3:1, 25 5:2, 16 6:18, 20 7:1, 5, 6 16:9, 12 17:17 19:10 20:25 21:5, 16, 18 22:16 24:4 26:24 29:22 31:1, 17 32:24 33:20 35:22 36:9 37:2 38:8, 18 39:19 40:1, 10 41:23 42:3, 10, 12 44:8 45:5, 17, 23 46:11, 15 47:18 48:7, 24 49:9, 19 50:15, 19, 25 51:9, 15, 23 54:11, 16, 24 55:2, 3 56:3, 10 57:3 59:19 60:7, 16 61:3, 5, 7, 22, 25 62:5, 15, 19, 22 63:21 64:3, 17, 25 65:15, 24 66:9, 17, 22 67:4, 6, 19 68:2, 7, 19, 21 70:13 71:6, 16 72:11, 25 73:12, 24 74:13, 18, 24 75:13 78:2 79:23 80:2, 3 81:15, 24 83:25 84:2, 21 85:20, 25 86:24 88:23 89:11, 20 90:6, 14 91:13, 21 92:1 93:23 95:2, 4, 8 96:16 98:2, 6 99:11, 13, 15 100:12, 16 101:3, 7, 16 103:13 104:8 105:22 106:10, 21 107:6, 25 108:15 110:5, 14, 21 111:5, 17 112:17 116:18, 24 117:6, 14, 17 120:18 121:3, 15, 25 122:6 123:4, 6 124:2, 9 125:9, 25 127:1, 8, 13, 16 128:3, 7 130:22</p>	<p>132:24 133:8 136:5 137:3, 5 138:25 139:7, 12, 19 141:5, 20, 21 142:14, 16, 21, 25 143:2, 6, 11 146:10, 18, 20 147:5, 10, 11, 19, 20 149:8, 15 150:8, 9, 11, 13 153:25 154:17 155:6, 19, 25 156:5, 13 157:6, 22, 24 159:13, 19 160:7, 20 161:8, 24 162:6, 24 163:9, 24 164:3, 17, 18 165:14 166:2 167:5 168:20 169:21 170:20 171:5, 18, 24 173:5, 10, 22 174:23 175:11, 14, 18, 22 176:4, 22, 24 177:1, 13 178:20, 25 mental 8:18 mention 129:21 141:16, 22 mentioned 79:3 129:20 134:16 140:15, 21 151:14 mentioning 82:9 94:5 151:13 merchandise 76:24 82:12 92:16 98:12 124:12, 15 132:2 151:5 message 58:6, 10, 23 118:3 messages 3:1 57:5 65:12 67:20 met 77:15 Michelle 13:25 24:15 41:3 100:7 139:24 159:4 Microsoft 33:6 161:16 162:7, 14 MIKHAYLOVA 1:3 5:21, 22 42:6, 7 43:1 57:6, 9 58:3, 22 74:19 75:15, 23 97:13 102:4 109:25 111:19 117:22 118:4 131:17 135:17</p>	<p>140:18 142:5 150:15 154:2 155:23, 24 156:19 168:2, 18 170:2 171:14 178:3 Mikhaylova's 6:7 mind 41:21 130:12 171:15 175:1, 6 mine 122:13 minor 11:8 minutes 41:22 128:4 misrepresent 64:23 MLOA 145:21 146:1 MO 2:10 moment 50:3 51:1 56:11 74:25 82:22 89:21 117:7 139:13 143:7 146:21 156:6 159:20 176:2 moments 91:9 Monday 1:10 182:5 monitor 29:18 month 64:1 93:4 monthly 54:4, 6 morning 5:17, 18 118:9 move 66:15 90:19 multiple 130:6 135:23 < N > name 4:23 5:23 6:1, 2 11:16, 18 82:21 87:20 115:11 136:13 137:21 144:3 147:22 156:19 181:11 name/address 115:24 138:8 named 15:11 names 11:11, 14 32:5, 9 88:12 nature 19:16 26:8 28:24 174:20 NCRA 180:15 necessarily 39:10 60:25 71:4 73:10 87:11 93:25 94:12 108:10, 19 124:13 152:2 153:5 161:23 164:10 166:7 167:20</p>
---	--	---	---

<p>need 9:13 31:4 95:13 96:22 100:21 110:3 118:6 136:19 160:3 176:7 181:19 needed 28:15 31:8 38:4 44:20 107:4 158:5 163:1 172:18 needs 28:13 neither 180:5, 8 Nevada 144:19 never 50:7 62:13 65:12 70:15 82:1 83:2, 11 NEW 1:2, 13 2:5 11:21 12:2 62:16 86:5 125:18 129:8 131:4, 14 132:3, 14, 15 135:9, 12 139:5, 7 142:23 144:13 168:2 178:16 180:16 night 10:14 Nikola 147:17 Nikolakopoulos 147:18 172:2 Nikolakopulo 147:17 nine 178:13 Niski 140:4 NJ 2:14 nodding 7:24 non-icon 53:22 normal 69:19 106:22 normally 89:7 170:14 Notary 1:13 180:16 181:19 Note 29:7 142:3 noted 180:3 181:9 182:10 notes 79:7, 12 174:1, 4 180:4 notice 119:23 122:17 notification 44:22 notified 44:12, 14 November 140:2 number 21:10 36:16 47:1, 16 52:13 59:16 60:4 88:5, 16 92:24 93:14 95:17 97:12 136:25 138:2 144:22</p>	<p>157:17 numbering 51:7 numbers 18:22 100:15 115:6, 7 137:12 138:1 numerous 47:7 71:1, 2 130:13, 14 NY 2:5 < O > oath 4:12 7:15 object 6:22, 24 17:10 20:21 21:14 22:10 23:22 26:21 31:13 32:18 36:4 38:1 39:15 40:6 42:8 44:4 45:2, 12, 19 46:8 47:12 48:20 49:4, 14 59:12, 25 60:12, 20 61:18 62:4, 7 70:5, 22 72:6 73:4, 16 74:8 77:20 81:9, 19 84:14 85:13, 23 86:20 93:17 99:6 103:6 104:5 106:7, 14, 24 107:20 108:6 110:11, 18, 25 111:11 116:14 120:14, 24 123:24 124:4 125:5, 20 130:19 132:20 133:4 136:2 149:4, 11 154:11, 21 157:3 159:8 161:20 162:2, 22 163:4, 20 164:15 173:16 174:19 175:2 176:19 177:9 objecting 63:5 Objection 16:7 19:6 21:2 29:7 30:22 33:14 35:17 36:20 38:14 39:23 46:13 47:22 66:17 71:12 72:20 105:18 121:10 123:21 149:25 155:14 160:14 161:3 165:11, 22 168:20 169:21 170:20 171:5, 18, 24 178:20</p>	<p>objections 4:3, 17 6:14, 23 66:13, 19 180:3 obviously 121:25 occasions 71:3 148:8 Octoberish 14:25 offer 82:14 office 15:19 20:13 79:16 148:8 154:15 OfficeMax 16:1, 13 officers 76:6 official 4:19 15:14 Oh 5:25 10:16 90:23 91:6, 15 96:12 142:22 145:2 156:11 178:5 ok 59:6 okay 5:25 6:5, 10, 11, 19 7:1, 5, 11, 21 8:6, 11, 17, 22 9:5, 8, 11, 13, 17, 25 10:8, 11, 19, 23 11:2, 17, 20, 24 12:13, 18, 22, 24 13:16 14:2, 9, 12, 22 15:1, 12, 16, 20, 23 16:2, 5, 13, 16 17:1, 7, 18, 25 18:4, 7, 14, 24 19:4, 17, 19 20:1, 7, 14, 19 21:6, 9 22:1, 8, 21, 25 23:3, 7, 11, 14, 17 24:5, 9, 19, 24 25:2, 5, 22 26:1, 9, 12, 19, 25 27:10, 16, 25 28:5, 12, 19 29:3, 6, 12, 23 30:4, 13, 15, 20 31:2, 6, 12, 23 32:2, 10, 16, 25 33:4, 9, 21 34:5, 16, 18, 22 35:1, 7, 12, 16, 23 36:2, 10, 12, 14, 18 37:12, 19, 24 38:9, 12, 19 39:4, 12 40:2, 11, 18, 25 41:10, 16 42:13, 17, 20 43:11, 19 44:2, 9, 21, 24 45:6, 10, 24 46:3, 6, 16, 20, 24 47:4, 9 48:8, 15, 18 49:10, 20, 23 50:3, 19 51:1, 21, 24 52:2, 9, 16 53:4, 8, 17, 20, 25</p>	<p>54:10 55:11, 19, 22 56:2, 11, 21 57:2, 4, 12, 20 58:17 59:9 60:8, 17 61:15 62:18, 21 66:22 67:21 68:1, 9, 19, 22, 23 69:2, 25 70:18 71:7, 17, 21 72:1, 12 73:1, 13, 25 74:14, 17, 18 75:12, 14, 20 76:1, 5, 8, 12, 16 77:11, 14, 17 78:3, 9 79:4, 7, 11, 17, 22 80:2, 17, 24 81:16, 25 82:11, 19, 23 83:8, 24 84:11 85:6, 11 86:8, 18 87:5, 14, 19, 23 88:3, 7, 18 89:19, 21 90:7, 23 91:1, 4, 8, 10, 14, 15, 23, 25 92:2, 12, 21 93:11 94:7, 14, 17 95:21 96:1, 15, 17, 22, 24, 25 97:6, 11, 17, 20 98:2, 5, 7, 18, 22 99:1, 12, 24 100:3, 11, 17, 23 101:18, 19, 20, 22, 23 102:10, 18, 24 103:4, 14 104:2, 15, 19, 25 105:4, 6, 14, 23 106:3, 11, 22 107:7, 14, 17 108:20, 24 109:2, 8, 11, 15, 17, 22 110:22 111:6, 9, 18 112:1, 5, 9, 15, 18 113:9, 13, 17, 24 114:4, 5, 6, 9, 13, 17 115:2, 10, 14, 17, 22, 23 116:1, 6, 11, 22 117:14, 16, 18, 25 118:2 119:1, 4, 7, 11, 18 120:5, 11, 19 121:7, 24 122:14, 22 123:3, 14, 18 124:3, 16, 25 125:3 126:1, 9, 18, 25 127:18, 23 128:17, 21 129:1, 4, 14, 23 130:8, 18, 23 131:10, 15, 21, 24 132:8, 12, 25 133:9, 13, 16, 22 134:2, 15, 19 135:6, 15, 21, 25</p>
---	---	---	---

<p>136:6, 10, 19, 22 137:6, 9, 13, 19, 23 138:4, 11, 24 139:18, 20, 22 140:10, 14, 17, 20 141:1, 6, 15 142:2, 8, 13, 20 143:1, 12, 17, 24 144:6, 10 145:11, 20, 24 146:6, 9 147:10, 15, 24 148:1, 4, 14, 19 149:16, 23 150:8, 25 151:4, 10, 15, 19, 24 152:4, 9, 15, 20 153:6, 8, 13, 19, 22 154:4, 7, 18 155:7, 10, 20 156:11, 12, 14, 17, 22 157:15, 21 158:4, 8, 13, 16, 21 159:1, 6, 14 160:5, 6, 8, 24 161:15, 18, 25 162:7, 18, 23 163:10, 15, 18, 25 164:13 165:7, 15, 20 166:6, 12, 16, 22 167:3, 23 168:11, 24 169:2, 7, 9, 18 170:16 171:13 172:1, 14, 21 173:3, 5 174:3, 8, 14 175:12 176:2, 3, 13, 17, 23 177:6, 18 178:18, 24 old 69:12 161:12 162:1 Olde 2:9 once 63:25 64:1 69:22 70:10 once-a-year 63:14 one-day 71:4 one-off 69:12 ones 57:17 58:13 59:2 one's 137:21 online 32:23 open 100:12 127:4 142:21 opening 50:10 operational 16:24 operations 26:3, 4 opinion 98:21 108:18 130:15 order 18:19 24:15</p>	<p>92:22 111:23 115:17 organization 15:11 orientation 18:12 original 181:21 Orya 146:3 outcome 22:1, 3 134:13 Outlook 161:17 162:7, 14, 20 out-of-state 141:24 outright 176:9 overall 28:23 oversee 33:25 overseeing 33:23 34:2 owned 55:18 owner 132:4 < P > P&P 111:22 p.m 118:10, 12 179:6 PAGE 3:1, 25 56:4 57:5, 8 58:2, 4, 21 61:2 67:2 68:6, 8, 10, 22, 24 75:14, 16, 21 83:1 90:12, 16, 17 91:12, 14 95:4 96:18, 23 97:22, 23 98:1, 3, 22 101:14 112:18 114:2 128:10 132:1 145:1 169:11 175:19 182:1 183:2 pages 56:14 67:9 68:14, 15, 17 89:25 90:9 91:19, 22 pairs 151:11 paperwork 31:22 104:14 105:11 paragraph 78:10, 14 145:13 147:7, 9 148:4, 6, 22 Paralegal 2:16 Park 12:1 part 16:20 34:9 59:22 77:17 80:22 86:12, 16 91:2 94:19 104:17 123:8 140:9, 12 178:18 PARTICIPANTS 2:2 participating 4:7</p>	<p>particular 14:8 18:19 24:15 59:17 61:2, 13 124:15 particularly 115:1 parties 4:15 22:5 180:8 partner 30:24 107:2 111:10 partnered 111:14 partnering 34:21 party 114:13, 14 pass 96:12 Passaic 2:13 passed 96:7 pay 73:10 125:18 174:18 paying 174:15 payment 140:22 payments 141:25 penalty 4:14 pending 139:23 Penn 2:4 pennies 69:18 Pennsylvania 1:14 people 24:11 36:14 38:23 81:17 126:9 164:22 PeopleSoft 34:15 perceived 129:22 percent 114:20 perform 29:20 30:11 performance 35:13, 25 36:8 39:8 103:19 104:15, 16 105:1, 7, 13 108:22 133:14, 23 134:1 performances 105:16 period 6:8, 10 71:5 98:14 99:18 163:2 perjury 4:15 person 4:12 5:24 25:12 126:14, 15 129:23 137:14 138:21 143:15, 16 144:3 147:21 151:2 174:16 Personal 13:13, 14 129:7 131:13 135:8 174:7, 8 175:8</p>	<p>personally 34:24 73:9 165:18 173:2 person's 144:3 pertaining 114:19 137:13 ph 24:16, 17 phone 115:6 151:3 158:1, 3, 14 physical 8:18 33:1 79:18, 19, 21 physically 4:8 121:23 pickup 136:12 pieces 99:21, 22 place 112:24 174:17 placed 43:25 47:16 places 14:17 164:11 Plaintiff 1:4 2:6 5:20 11:3 147:16 148:7, 9, 23 Plaintiff's 4:25 57:4 67:8 74:20 75:15 89:12 92:5 96:18 101:24 117:1, 18 127:8 128:8 141:7 146:13 planning 25:25 played 80:22 86:16 Plaza 2:4 please 4:22 8:8 9:15 39:18 51:2 56:6 61:21 66:23 91:9 100:13 112:13 118:17 127:21 142:22 170:23 172:7 175:16, 20 176:3 pled 11:7 PLLC 2:3 point 42:9 49:7 53:4 64:9 88:20 103:3 111:7 125:7 150:6 pointed 178:2 policies 22:17 23:20 24:12 26:7, 12, 15, 17 39:5 43:18 48:9 63:11 86:7 88:1 120:20 154:8 166:8 177:12 Policy 3:1, 22 10:3 18:5, 8 37:1, 4, 9, 13</p>
--	--	---	--

39:8 46:23 47:6, 10, 11 48:10 50:16
 51:25 52:5, 9, 19, 20, 23 53:1, 2, 6, 12, 13, 15, 24 54:2, 8 55:24 56:1 59:15, 20, 22 60:5, 10, 14, 19, 25 61:1, 16 69:6 71:8, 15 85:17 86:9 88:5 92:3, 8, 11, 12, 14 97:18 98:8, 19, 25 121:4 125:14 129:22 130:4 134:24 135:4 141:10 151:17, 25 152:3, 6 159:7, 11 160:1, 9, 17 161:2, 7, 12 162:1, 13, 16 165:1, 6 168:25 172:6, 10, 11, 13, 16 177:14
popped 100:21
portion 86:15 94:23, 24
position 14:2, 7, 10, 13 15:12 16:14, 18 17:2, 3 25:9, 11, 17 40:14 68:13 108:2, 3 122:25
possible 45:21 84:8 92:23 120:15 150:20 158:6 159:10 162:16 163:6 166:21
Possibly 44:15 80:21 88:6 126:8 144:8 149:13 152:7
potential 32:14 110:7 130:2 132:18
potentially 31:8 130:5
preceding 14:18, 19
prefer 28:3
pregnancy 23:1 29:24 30:3 118:21 119:2, 5 120:10, 13, 22 122:11 154:8, 9 155:8, 11, 13 158:10, 13 170:3, 19 171:4
pregnant 43:23 44:1, 3 107:13 118:16, 25

119:10, 17 120:4, 7
premise 86:11
prepare 9:20
presale 137:24
prescription 8:23 9:2
PRESENT 2:2, 16 4:9 150:25
presented 38:17 81:5
preserve 6:22
president 109:12
prevent 8:14
prevention 83:13
previous 64:8
previously 86:15 103:19 111:19 118:23
primarily 16:22 80:20
printout 151:5
prior 77:11 83:10 107:16 118:10 140:22 141:25
PRO 2:8 5:5
Probably 10:14, 17 14:24 17:4 20:12 24:7 27:24 41:3 44:15 79:13 113:12 121:6 122:13 128:15 138:22 155:3, 4 166:20 169:1 172:18
problem 65:20 83:1 176:11
problems 83:3
procedure 37:1, 4, 9, 13 44:17 158:23
procedures 43:18 177:12
proceed 43:15 129:18
proceeding 4:7, 10
proceedings 180:3
process 38:20 111:23 158:17 178:19
produced 54:14 80:1
product 16:15 73:9 87:4 128:25 167:18 168:1, 4, 6, 9
PRODUCTION 3:24 90:3

program 12:20 33:10, 22
programs 17:15
progressive 39:11, 13, 21 40:4
project 12:21
proof 86:18 124:16
propounded 182:8
protected 18:12
Protection 30:16, 19, 21, 25 31:5, 22 32:3, 12 38:22 39:3 77:15, 24 78:1 109:10 110:23 112:22 123:19 124:22 145:15 146:1 152:14 153:17 165:16, 19
proven 125:3
provide 28:16
provided 47:8 93:20 94:1 124:7 181:14, 18
provider 28:17
provides 124:12
Public 1:13 180:16 181:19
pull 50:16 56:5 69:15 74:18 87:7 159:14 175:12, 14
pulled 83:14
purchase 47:5, 20, 21 48:3, 13 49:1, 3, 6, 13 55:5 57:16 58:13 59:1, 17 78:16 86:14 98:11 129:7 130:24 131:13 137:20 138:14 140:23 151:12
purchased 46:25 49:11, 17 52:14 54:5 72:24 81:22 88:6 93:5 125:14 144:12 151:5, 11 157:11, 13, 17 175:7
purchases 47:17 48:6, 16 49:2 59:23 63:18 64:9 70:3, 19 73:22 76:9 86:5 87:24 88:15 116:8 123:11 124:12, 19

129:9 135:11 136:1 142:1
purchasing 78:22 80:6 135:1, 3
purge 162:9, 11
purpose 63:20 64:5
purposes 6:5 63:7 64:8 175:13
purview 19:3
put 49:25 60:18 140:25 170:18 172:19 178:6
putting 19:23

< Q >
quantities 135:3
quantity 48:12
question 8:4 9:16 17:13 23:12, 14, 25 26:5 37:8 39:18 40:2 47:15, 19 57:15 58:11, 25 59:9 61:21 64:8 67:23 69:4, 7, 25 70:18 72:14 73:2 74:2, 14 86:12 94:8 95:13 97:1 104:2 108:16 110:22 132:9 142:4 147:6 152:4 155:10 160:19, 21 161:1 164:23 170:1, 18, 23 173:20 174:21 175:24
questioning 170:12
questions 4:4 6:6, 16 7:13 8:9, 15, 20 9:6 26:7, 10 42:5 68:18 77:25 90:17 94:22, 25 95:6, 19 97:24 101:14 108:11, 14 118:16 136:20 147:2 166:23 167:4, 14 170:4 173:6 177:19 182:8
quick 20:18 122:21 153:23 167:11
quicker 90:19
quickly 68:10
quite 160:22 161:12 162:4

<p>quote-unquote 15:8 21:22 94:4</p> <p>< R ></p> <p>rating 103:20 104:16</p> <p>Raul 24:17</p> <p>Ray 32:7</p> <p>reach 38:5</p> <p>reached 120:9 158:18</p> <p>reaching 118:6</p> <p>read 10:19, 22 62:11 68:9, 14, 16 90:9, 15 95:10, 19 96:4, 5, 7 97:22, 23, 25 98:2 101:21 112:12 114:2 127:21 146:24 147:8 160:2, 18 169:10 175:25 179:1 181:3, 4 182:4</p> <p>reading 92:25 138:13 160:11</p> <p>reads 67:16</p> <p>ready 51:22 75:12 91:5, 11 175:23</p> <p>real 153:15</p> <p>really 68:10 84:9 90:8 116:17 150:5</p> <p>reason 8:13 80:17, 19 181:6, 10</p> <p>reasons 171:21</p> <p>recall 5:24 10:7 13:23 15:9, 10 16:2 17:22, 24 18:7 20:23 22:24 26:18, 23 29:9, 11, 13 30:2, 16, 18 32:5 33:7, 21 34:12 35:9 37:22 38:11 39:24 40:8 42:20 43:6, 11, 13 44:6, 11 45:14, 22 46:22, 25 48:3, 10 50:1 51:10 52:9, 12 53:19, 23 55:9, 16, 19, 21, 22 59:10 60:22 66:1, 7 67:18 70:25 71:19 72:8 74:10 75:18 76:10, 12, 14 77:5, 7, 10, 23 78:6 79:2, 5, 9 80:15, 22, 24 82:9, 18</p>	<p>83:7, 21 84:3, 7, 17 85:6, 15, 18, 21 86:4, 10, 16 94:3, 16 97:9 99:19, 25 100:1, 8 102:10, 15 103:9 104:11 109:18 113:6, 15, 17, 18 115:20 116:21 117:25 119:12 120:8, 16 121:9, 12, 18 122:18, 20 123:12, 16 124:23 126:11, 23 128:23 129:25 131:6 133:9, 11, 18, 25 134:23 136:18 137:6, 8, 9, 11 140:8, 19 142:11 143:14, 16 144:2, 4 145:18 147:14, 21 148:2, 11, 12, 14, 21 149:2, 7, 9, 14, 19 150:15, 18, 19, 23 151:1, 7, 9, 13, 22 152:8 153:11, 21 154:20 155:4, 16 157:9, 20 158:2, 8, 11, 15 159:1, 25 160:8 161:9 162:10, 17 163:7, 10, 14, 17, 23 164:8 165:4, 18 166:4, 12, 17 170:3 173:2 177:16</p> <p>receipt 116:1, 2 133:2, 10</p> <p>receipts 10:5 85:5 87:2, 3, 5, 7, 8, 15 116:8 138:19</p> <p>receive 13:19, 22 15:20 134:6, 8 162:12 181:23</p> <p>received 94:14 139:14 146:23 156:8 162:16</p> <p>receiver 136:12</p> <p>receiving 113:15 128:25</p> <p>recess 42:2 89:10 128:6 141:2 153:24</p> <p>recipient 174:16</p> <p>recipients 88:13</p> <p>recognize 95:16, 23</p>	<p>recollection 28:15 53:15, 21 65:16, 19 66:1, 4, 6 70:8 107:1 126:7 134:14 154:13 159:25 173:13 182:9</p> <p>recommend 26:16 164:4</p> <p>Recommendations 132:1</p> <p>record 4:24 50:14, 17 89:8, 9 112:25 117:15 127:19 128:5 143:10 169:11</p> <p>recorded 112:22</p> <p>recording 112:24</p> <p>recordings 113:11</p> <p>records 98:15 122:1</p> <p>recruiting 25:23, 24</p> <p>reference 81:5 136:13 167:25 168:3</p> <p>references 147:3</p> <p>referred 54:2</p> <p>referring 6:10 27:5 38:23 43:2 52:18, 21, 22, 23 61:15 67:11, 18 69:11 84:5 89:25 92:3, 5, 9, 18 98:24 119:18, 19 122:24</p> <p>refresh 56:3 65:16, 25 66:7 95:15 100:22, 25 112:13 121:17 159:25 170:16</p> <p>refreshed 65:20 75:5, 7 160:16</p> <p>refreshing 66:4 90:22</p> <p>regard 85:2 134:7 149:20 166:1, 3</p> <p>regarding 6:6 10:24 43:7, 14 46:2, 4 62:1 72:9 74:12 76:15 77:2, 9 85:12 97:7, 12 105:13 107:10 139:23 140:6 143:14 154:8 162:13</p> <p>regardless 52:10 60:4 73:20</p> <p>regards 39:1 40:13</p>	<p>106:19 107:12</p> <p>regular 138:5</p> <p>related 29:24 119:24 142:3 154:8, 9 155:8, 11, 13 167:15 170:3 180:9</p> <p>relating 97:19 98:8</p> <p>relations 16:25</p> <p>relationship 153:13, 16</p> <p>relative 180:8</p> <p>relevance 150:3</p> <p>religion 18:11</p> <p>remember 32:9 57:23 76:7 84:10 147:23 148:17 157:19 158:7 174:11</p> <p>REMOTE 1:9 2:2</p> <p>remotely 4:10</p> <p>rep 40:21 150:25 156:18</p> <p>repeat 27:3 39:17 61:20</p> <p>repeating 65:2</p> <p>rephrase 8:10 60:17 86:2 160:24, 25 164:17 170:23</p> <p>rephrasing 8:11</p> <p>replaced 122:22</p> <p>report 18:16, 18, 19, 20, 22 20:15, 17 25:2 32:12</p> <p>reported 25:3, 6 109:14</p> <p>REPORTER 4:6, 21 7:21 110:3 141:18 180:22</p> <p>reporting 4:10 25:7</p> <p>repository 35:11</p> <p>represent 5:5</p> <p>representation 55:1</p> <p>Representative 97:14 112:21</p> <p>represented 9:8</p> <p>Representing 2:6, 11, 16 64:2</p> <p>reprimanded 38:9</p> <p>reproduction 180:21</p> <p>REQUEST 3:24 28:10, 23, 24 29:1</p>
---	--	--	--

<p>40:22 79:23, 24 122:1 149:21 154:14 requested 45:7 requesting 45:9 requests 27:11, 13 28:1 41:8 require 39:11 181:22 requirement 37:23 requirements 93:3 reseller 110:8 129:24 130:3 136:9 reselling 129:6 reserve 66:12 167:3 reserved 4:4 resigned 145:25 resolved 150:1 resources 12:17 14:4 15:19 16:21 18:21 24:8 25:14 31:4, 10 35:20 36:23 153:18 respect 162:13, 15 172:15 respond 7:23 8:5 9:6 35:18 44:19 responding 67:23 response 43:16 57:20 58:17 59:3 69:10 98:10 103:23 167:4 responses 7:23, 25 responsibilities 16:19 106:1 122:8 responsibility 39:8 172:9 responsible 37:6 81:17 105:15 143:25 rest 32:21 52:14, 15 79:14 106:2 restate 86:2 restricted 30:10 restriction 155:2 restrictions 30:9 restroom 41:20 88:20 128:2 result 128:24 retained 162:19 163:2 172:18 retaliation 23:3, 12, 20 119:5 120:23 153:1 158:9 170:8</p>	<p>retaliatory 148:25 149:10 retention 3:22 159:7 161:2, 6, 11 162:13, 15 172:6, 11, 16 retired 13:2 return 145:24 181:21 review 9:25 10:8 13:22 28:17 56:11 90:16 94:22 95:13 99:16, 22 101:13 113:10 reviewed 9:23 38:16 77:23 95:12 118:8 164:21 reviewing 47:6 51:6 56:21 57:2 68:11, 20 75:11 84:18 91:10, 24 96:1, 8 98:4 100:2 101:21 112:14 114:5 116:7 127:23 128:1 131:9 136:22 138:19 139:18 143:9 156:11 159:22 160:5 176:3 reviews 34:16 35:13, 25 36:8 Rey 109:5, 8, 9 Rich 11:15 RICHARD 1:10 3:1 5:10 11:12, 13 29:8 33:15 36:21 38:15 47:23 50:7 51:2 64:15 67:22, 25 70:6 71:13 72:7 73:17 76:20 80:11 83:10 89:2, 7 90:8 91:7 95:9 96:5, 10 97:21 101:12 102:5 103:24 112:11 118:4, 9 127:21 137:1 156:10, 23 160:3 165:25 182:3, 15 right 6:12 8:8 9:19 10:19 24:21 30:15 41:10 42:4 47:19 50:15 51:15 52:3 54:3, 21, 23, 24 56:16, 20 57:12 58:1, 19 61:4 64:6 65:24</p>	<p>66:9, 12 67:7, 14 68:24 73:25 75:22, 24 76:17 84:22 87:8, 22 92:21 93:9 97:14 99:1 101:8, 25 102:8 103:4, 14, 21, 25 108:1 109:22 112:6 113:4, 20, 25 115:8, 12, 24 116:4, 10 118:18 119:18, 25 121:8 128:10 129:12 131:1, 14 132:13, 19 134:3, 17 135:13, 19 137:16, 21 138:1, 6, 13, 18 139:25 142:6, 13 143:7, 22 146:9, 17 147:5 150:24 156:20 157:21 162:8 164:4 167:3 169:4 170:9 177:18 181:4 right-hand 96:20 ring 82:21 ringing 87:9 Road 2:9 Roberts 115:12 116:3 Robin 1:12 180:14 role 14:8 16:22 Ronquillo 13:25 24:15 41:4 100:7 139:24 159:4 room 30:2 173:25 Rose 126:19 128:8, 12, 19 129:6 131:12 134:2 139:4 140:20 141:8 167:24 168:6 rotate 58:3 round 7:12 RPR 1:12 180:14, 15 rules 7:12 181:22 rung 142:5 < S > sale 49:12 57:16, 25 58:13 59:2, 11, 17 63:8, 14, 17, 25 64:13 69:6, 9, 12 70:2, 9, 21 73:14, 21 78:20 94:5 167:15, 17, 22 Salem 144:13</p>	<p>sales 48:19 59:11 69:22 78:23 80:7, 9 82:4 87:11, 12 99:3 125:19 salon 80:10 82:4 Sanela 57:13, 18 Sarah 109:5, 11, 12 satisfactorily 29:21 satisfactory 104:22 satisfy 93:3 save 6:14 76:25 82:16 101:15 162:25 saved 161:9 saving 163:10 saw 10:12, 15 80:9 saying 17:7 24:24 33:1 37:3 44:24 54:6 65:2 66:5 85:21 86:8 94:7 105:9 118:24 135:21 151:25 157:9, 19, 20 158:11 says 51:24 57:9, 12 58:23 76:17, 19 78:10, 15 80:4 81:25 82:1, 23 83:9 87:8 92:15, 16 93:11 94:4 97:2, 11, 14, 17 98:7, 10 101:23 102:3 103:16 111:19 112:20 114:6, 13, 17 115:2, 3, 11, 23 116:2, 4 117:10 118:4 120:21 129:5 130:24 131:11, 15, 21, 25 135:6, 13, 16 136:11 137:17, 19, 24 138:4, 5 140:4, 20 142:6 143:17, 18 144:11, 21 145:3, 11 148:6 156:17 157:11, 15 160:15 school 11:22, 25 12:1 15:3 screen 54:12 61:6 84:1 99:14 116:25 123:5 139:1 142:15 146:11 150:12 157:23 167:6 169:3, 7 176:25</p>
--	---	--	--

<p>scroll 75:21 95:22 176:8 sealing 4:2 second 68:8 75:3 78:10, 14 90:20 91:14 124:14 141:1 145:13 section 47:15 48:5 92:19 see 50:22, 24 51:25 52:3 57:9 58:15, 16, 19, 20 59:7, 8 69:23 70:20 73:1 75:17, 23 77:3 78:24 82:6 83:4, 5 93:9 95:16, 22 97:15 98:10, 16 101:18 103:21, 25 109:6 111:24 112:2, 5 113:1, 4 114:11, 12, 15, 22 115:8, 11 117:9, 23 118:18 128:14 129:12 131:11, 19 132:6 135:19 136:11, 14 138:9 141:13 143:22 144:17, 25 145:16 146:4 150:3 156:20, 25 169:7 178:9, 12, 17 seeing 19:24 53:19, 23 60:23 65:7 75:18 100:18 102:10 113:6 115:20 136:18 137:6, 9, 11 145:18 147:14 seek 107:7 seeking 38:7 seen 10:12 52:15 61:13 62:23 65:12 75:17 97:4 112:16 115:15, 17, 19 128:12 136:16 147:12 156:14 selection 90:2 self 29:18 sell 69:17 124:14 seller 124:13, 14 selling 122:25 128:24 137:25 send 105:8 114:14 115:23 131:24</p>	<p>137:20 138:5, 8, 14 144:12 sender 87:8, 10, 17 116:3 sending 50:6 87:24 88:8 123:15 126:5 132:9, 13, 17 138:21 142:9 152:3 164:6, 11 168:1, 4, 6 sends 114:21, 24 senior 25:3 93:1, 12, 22 94:2, 5, 10, 15 144:9 sense 19:24 31:21 48:12 81:12 90:18 153:9 sent 43:24 65:13 77:24 84:19 110:9 114:9 117:20 118:2 123:10, 11 129:1, 17, 24 130:2, 13, 25 131:3 132:2 135:6 141:23 168:2, 9 sentence 78:13 93:13 169:11 separate 47:10 48:5 161:10 163:1, 3, 11 172:19 separated 101:11 Separately 122:15 services 81:14 97:3 setting 7:18 172:5, 9, 12 seven 68:14, 17 78:13 178:13 seventh 78:13 severely 30:10 sex 21:20 sexual 18:11 152:16, 18, 21 Sgerber@bglaw.com 2:15 share 169:3 Shaw 109:5, 11, 12 Shawn 76:1, 2, 17 SHEET 181:7, 10, 11, 16, 21 182:11 183:1 shift 118:10 ship 82:14 136:1 176:11, 18</p>	<p>shipped 86:4 87:4, 17, 19 116:9 124:23 125:17 129:6, 10 131:13 135:8, 11 175:8 shipping 76:23 82:12 86:25 124:19 129:8 131:16 132:2 135:1, 2, 4, 10, 23 136:9 174:12, 14, 16 178:14 shoe 80:24 81:3, 5 82:3, 4 165:2 shoes 80:11, 12, 14, 21 82:2 151:11, 14 157:17, 18, 20 shoot 90:23 short 41:20 103:9 128:1 show 63:4 94:9, 13 169:2 showed 60:23 69:2 150:16 showing 63:6 65:1 75:5 90:25 shown 50:18 56:9 67:1 69:3 74:23 89:15 101:6 117:5 127:12 139:11 143:5 146:19 156:4 159:18 169:5 175:17, 21 178:7 side 25:20 sign 179:1 181:11, 13, 18 signature 181:20 182:1, 13 signed 113:3 significant 41:14 47:1 signing 181:15 Simultaneous 95:3 single 92:25 98:13 singled 78:21 80:5 sit 40:21 90:9 167:16 situation 31:4 38:4 43:16 46:2 97:19 98:8 166:11</p>	<p>situations 20:3 31:6 37:4 40:21 six 78:12 178:13 slow 110:4 141:19 smaller 48:13 SMITH 2:3 5:3 software 17:9 33:4, 10, 22 34:7, 13 sold 70:17 92:24 solely 4:20 61:1 somebody 31:9 34:11 37:14 143:24 158:22 sorry 27:3 47:23 54:9 58:24 62:19 67:5 70:6 75:9 91:7 100:14 102:20 110:15 127:1 131:25 132:21 133:1 135:2 136:24 139:3 140:25 141:19 144:22 160:12 165:24 167:6 172:7 175:19 176:7 sort 34:9 35:10 55:17 56:18 121:22 Sounds 41:25 54:3 87:22 116:10 147:22 150:24 South 144:13 SOUTHERN 1:2 space 181:14, 18 speak 10:23 32:20 45:24 69:18 71:24 104:23 speaking 8:5 18:9 24:25 34:8 37:16 88:2 95:3 109:23, 24 124:11 125:23 special 69:13, 15 specific 17:19 21:17 27:9 30:3 31:16 33:8 41:17 46:24 60:25 61:15 63:15 64:14, 22, 24 69:20 72:13 77:7 109:19 153:11 166:17 178:3 specifically 15:9 17:24 20:24 22:24 25:24 27:6 29:10 36:1 39:25 40:9</p>
---	--	--	--

<p>44:7 45:15, 22 55:9 61:16 70:2, 24 71:20 77:10 79:10 80:15, 23 81:12 85:19 86:10, 17 87:13 88:3, 4 95:19 99:9, 25 104:24 106:17 107:23 117:9 122:20 123:17 124:24 126:23 130:1 131:6 133:7, 12 134:25 140:19 142:11 146:8 148:2, 21 149:7, 14 151:13, 23 155:11, 17 157:9 158:2, 7 162:11, 17 163:8 167:21 173:24 177:17 specifics 84:10 150:19 speculate 164:2 split 93:2 spoke 9:23 119:15, 21 140:4 146:2 149:18 spoken 22:13 111:19 spreadsheet 114:18 St 2:10 staff 16:21 25:25 35:5 stamp 58:22 96:19 128:9 139:2 146:12 148:5 150:16 155:24 175:20 stamped 57:7 58:3 74:19 75:15 92:6 Standards 3:14 stands 145:22 start 13:16 14:9, 22 51:10 165:8 started 7:12 16:3 17:6 82:13 state 6:9 76:24 82:15 83:8, 9 86:5, 6 87:3 97:14 124:20 125:15 130:14 135:1, 2, 5 136:1 142:2 151:10 174:12, 14, 17 175:4, 9 176:11 178:15, 16</p>	<p>stated 52:16 64:10 83:18 86:14 118:8, 22 120:9 158:22 164:20, 22 173:11 177:2 statement 99:20 112:6, 9, 15 130:18 164:20 174:2, 7, 9 175:13 176:1 178:9, 10 statements 98:15 STATES 1:1, 13 57:23 69:4 78:11 82:11 86:25 118:7 stating 4:23 119:21 120:3 174:3 status 18:12 118:7 stellar 104:22 stenographic 180:4 step 40:4 steps 39:11, 13, 22 Steve 5:7 9:12 50:8 75:4, 9 100:21 STEVEN 2:13 24:16 Stony 12:23 stop 150:4 store 20:10 29:1, 2 30:6, 19 114:14, 20, 24 131:16 154:19 stored 33:10 35:8, 10 121:19 Stores 93:2 Street 16:22 24:25 25:4 26:25 27:1, 5, 14, 20, 22 30:17 34:3 36:24 37:18 39:9 76:19 114:19 152:14 stricter 48:11 string 67:24 strong 129:18 subject 102:4 114:14 117:22 125:21 139:23 181:15 subjected 149:1 submit 28:1 97:6 submitted 94:20 submitting 76:25 97:9 subsequently 145:20 substance 181:5, 9</p>	<p>substantiate 22:15 86:19 succession 25:25 suffer 8:17 sufficient 130:16 171:21 suggest 169:14 Suite 2:4, 9, 14 Summaries 3:17 summary 99:21 128:11 150:2 168:3 Sunday 57:13 supervise 24:9 supervising 34:1 supervision 180:22 supervisor 13:24 18:20 20:17 34:20 35:6 38:6 supervisors 39:3 support 15:15 130:17 supporting 126:16 suppose 121:1, 22 supposed 9:1 18:16 28:9, 14 44:13 106:23 120:11 Sure 16:20 43:17 56:16 61:12 63:19 94:12 106:16 112:12 128:3 142:12 160:22 161:22 170:24 Susan 24:16 139:24 140:15, 16 suspect 88:7, 11 145:4 suspend 31:8 111:10 suspended 77:12, 14 83:11, 12, 13, 19 84:13 123:9 134:5 suspension 39:6 43:25 77:18 102:25 118:7, 15 119:16, 22 122:17 140:6 157:25 158:9 170:2, 19 suspensions 139:23 suspicion 88:10 suspicious 125:1 sworn 5:11 system 104:14 105:12 161:13, 15</p>	<p>< T > take 7:25 9:1, 13, 17 12:19 17:2 41:20 44:20 46:6 51:1 56:11 59:5 74:25 79:7 88:20, 24 89:3, 21 95:10, 14 112:11 117:7 127:20 128:1 143:7 146:21 153:22 156:6 159:20 174:15 taken 7:8 8:22 10:21 33:12 46:17 103:18 104:4 133:17 153:4 169:12 180:4 takes 139:12 talent 25:20, 22 talk 76:8 83:16, 18 84:22 104:9 158:1, 16 167:14 172:20 talked 67:12 167:23 talking 7:3 25:23 43:4 63:21 69:20 84:23 92:2 98:19 116:6 126:18 talks 67:16 TALX 97:2 tax 76:25 80:21 82:16 84:9, 22 86:15 125:16, 19 129:6 131:18, 22 168:18 169:15, 19 171:16 173:12, 21 174:5, 9, 18 175:10 176:6, 9, 14 178:16 taxes 84:25 85:2, 12, 18, 22 86:5 87:1 174:13, 15 175:9 176:12 team 15:15 16:20 30:25 47:8 65:10 78:19 Tech 2:19 tell 9:20 49:23 71:17 78:19 79:1, 4 80:13 82:8, 17 83:6 115:5 158:4 telling 50:1 57:24 64:4, 7 79:5 80:15</p>
--	--	--	--

<p>82:18 83:7 84:3 ten 178:13 tender 93:3 tenure 41:13 103:20 term 21:21 48:11 156:22 termed 144:4 terminate 37:7, 10, 15, 17 55:4 61:11 76:22 77:19 81:2 92:10, 20 99:4 100:5 105:2 116:20 151:19 152:5 158:19 terminated 13:10 46:21, 22 65:14 74:6 78:17 123:19 131:17 134:19, 22 135:18 150:22 151:16 155:21 157:8 169:20 terminating 130:17 termination 39:6, 14, 21 40:5 45:18 76:13, 15 77:2, 10, 11 80:18, 19 85:12 97:7 102:25 126:17 143:19 151:22 166:19 171:22 177:7 terminations 144:1, 7 terming 144:3 terms 28:25 40:16 41:14 59:15 60:3 120:9 122:10 129:21 165:5 testified 5:11 64:16, 19 65:18 66:8 testify 65:11 testimony 4:14 7:9 19:17, 22 22:4 181:14 Text 3:1 56:18 57:5 58:6 65:11 67:20, 24 Thank 41:25 54:12 57:1, 21 75:9 91:3 99:14 116:25 123:5 137:4 139:1 142:15 146:11 150:12 167:6 176:24 177:19 178:6, 25 Thanks 103:20</p>	<p>theft 31:10, 19 166:15 Theodora 147:16 172:2 thing 80:10 127:22 164:23 things 17:22 18:11 19:16 25:21 26:5, 6, 7 31:9 101:11 176:11 think 6:4 10:5 15:25 16:7 18:9 24:18 28:24 35:19 50:7, 9 51:21 54:14, 17, 19 57:21 64:16 66:8, 13, 14 68:10, 14 70:11 75:12 84:16 87:17 90:8 91:4, 6, 11 96:9, 10 103:1 107:12 109:20 111:2 116:16 117:12 120:21 124:20 125:24 129:18 140:12 153:23 159:3, 4 165:4 167:24 173:3 175:15 third 114:13, 14 thirteenth 178:14 thought 65:3 69:19 172:17 three 18:22 75:7 78:12 114:19 126:8 146:2 148:8 165:3 178:12 Thursday 114:9 117:20 118:12 TIERNEY 2:8, 18 3:1 5:4 6:13, 19, 21 7:2 9:12 16:7 17:10 19:6 20:21 21:2, 14 22:10 23:22 26:21 29:7 30:22 31:13 32:18 33:14 35:17 36:4, 20 38:1, 14 39:15, 23 40:6 41:19, 25 42:8 44:4 45:2, 12, 19 46:8, 13 47:12, 22, 25 48:20 49:4, 14 50:5, 11, 22 51:13 54:13, 21, 25 59:12,</p>	<p>25 60:12, 20 61:18 62:2, 7, 17, 20 63:9, 24 64:13, 20 65:6, 18 66:3, 11, 18 67:2, 15, 21 68:5, 9 70:4, 22 71:12 72:6, 20 73:4, 16 74:8 75:3, 8 77:20 79:25 81:9, 19 84:14 85:13, 23 86:20 88:19 89:1, 18 90:1, 7, 15, 23 91:1, 4, 17, 23 93:17 94:24 95:5, 9, 25 96:3, 9, 14 97:21 99:6 100:20 101:1, 12 103:6 104:5 105:18 106:7, 14, 24 107:20 108:6 110:11, 18, 25 111:11 112:11 116:14 117:13 120:14, 24 121:10 122:2 123:21, 24 124:4 125:5, 20 127:7, 20, 25 130:19 132:20 133:4 136:2 139:16 147:1, 8, 18 149:4, 11, 24 154:11, 21 155:14 156:9 157:3 159:8 160:2, 10, 13 161:3, 20 162:2, 22 163:4, 20 164:1, 15 165:11, 22, 24 167:10 168:21 169:6, 22 170:21 171:6, 20, 25 173:16 174:19 175:2, 25 176:19 177:9, 20, 25 178:5, 8, 21 179:1 time 4:5, 17 6:8, 10, 24 10:11 15:3 22:19 26:6 29:16, 20 40:3, 12 42:10, 18 44:20 49:7 61:13 83:19 95:10, 15 101:15 103:3, 10 109:20 111:7 127:20 128:15, 17 133:24 140:17 144:1 145:7 151:16 153:10 154:23 158:5 161:14 162:20 163:2 168:11 174:22</p>	<p>timeframe 43:2, 5 47:2 48:14 55:21 150:24 times 20:17 34:11 49:1 75:7 80:8 82:3 85:7 98:15 122:4 164:16 Tinbite 14:1 24:16 25:7, 13 100:7 102:4 103:15, 23 105:13, 14 106:11, 18 107:8, 9 109:4, 5, 23 110:17, 24 111:6 117:21 119:20 139:24 title 15:14 25:9, 14 76:7 102:15 109:19 140:8 today 8:15, 20 9:6, 9 118:12 166:23 167:1, 16 174:15 today's 6:5 9:20 10:25 told 44:3, 21, 25 49:20 63:9 70:16 78:11, 16 79:25 80:11 83:12 84:7, 11 118:11 145:8 148:9 162:25 163:7 tolerance 18:10 tomorrow 118:8 top 10:1, 6 16:10 21:10 24:17 33:7 34:14 36:16 51:24 57:12 58:5 75:20, 21 81:1 92:15 96:24 97:2 102:3 114:14 138:3 144:11, 24 147:15 155:5 156:17 topic 160:4 total 71:9 track 34:22, 24 81:7, 22 tracked 35:5 93:7 traffic 11:8 trained 17:14 training 17:1, 3, 5, 6, 21 23:17 115:20 transaction 10:5 85:5 87:2, 3 92:25 93:4, 6 98:13 116:2</p>
--	--	---	--

133:1, 3 134:10
 137:20 138:16
 140:21 157:14
transactions 20:6
 47:8 71:1, 2 88:16
 93:2 111:21 116:12
 130:13 138:19
 141:16 142:4
transcribed 4:20
Transcript 3:1 4:19
 62:5, 6, 9, 11 64:5
 65:1, 4 180:5, 21
transcription 182:7
transcripts 10:20, 22
transition 55:17
treatment 148:25
 149:10
trial 4:5
tried 19:14
Trinity 2:19 50:5, 11
 178:5
trouble 50:10
true 71:22 157:2, 5
 182:6
truthful 98:14
truthfully 8:14, 19
try 8:6 167:11
trying 38:19 63:1
 73:7 86:1 162:5
 174:25 177:11
turn 58:2 175:18
twelve 178:14
two 10:6 12:11
 18:21 48:9 78:12
 91:18 92:23 93:3, 13
 126:8 135:9, 15
 140:5 152:7 156:23
 157:7, 9, 12, 14 173:5
 178:12
two-day 71:5
Tyler 126:18 128:8,
 11, 19 129:1 130:14
 132:9 134:2 135:22
 139:4 140:20 141:7
 167:24 168:6
Tyler's 133:3, 13
Tyndall 2:16
type 15:9 17:1 19:1
 34:7 44:22 124:15
 170:13

types 31:6 33:18
 40:18 70:10 93:3
 113:9
typically 11:13 31:3
 36:25 37:22 44:22
 107:2 108:1, 10
 110:22 113:10

< U >
Uber 59:5
UCM 97:3
Uh-huh 51:4 52:1, 4
 96:21 97:16 98:9
 102:2 103:22 143:21
Ulanda 140:5, 10
ultimately 39:6
 109:14
Um 17:12 93:25
 102:20 123:22
 137:18
understand 7:19 8:9
 17:13 23:24 37:8
 47:14 63:2 72:14
 86:1 112:20 150:6
 166:22 168:17
 173:18, 19 176:10
understanding
 160:23 162:5 168:8,
 16 175:5
understands 67:22
Understood 8:1
 112:23
Unemployment 94:20,
 21
unintelligible 141:17
union 40:12, 15, 17,
 21, 24 76:7 150:25
 156:18
UNITED 1:1
units 98:12
university 12:23
unrelated 115:4
unsatisfactory 104:22
unusual 66:14
 108:17, 19
update 60:14 103:2,
 5, 17
updated 60:11
upload 50:4 127:2, 3
UPS 131:16 132:2

use 21:21 33:4
 48:11 65:4 144:14
 175:8 177:11
usually 32:21 108:3

< V >
vacation 58:25
vaguely 147:22
Valecca 24:16
Vance 1:12 180:14
Various 3:15 10:2
 22:4 33:17 154:24
 164:11 178:15
vendors 92:16 98:11
verbal 7:23 18:10
 20:17 31:24 43:9
verbally 4:13
versed 138:16
version 53:24
versus 25:17 59:11
 72:18 113:22
vice 109:12
Victoria 82:13, 19
Video 2:19 20:4
 99:16, 24 100:1, 2
 112:22 113:7, 15
 166:15
videoconference 1:9,
 10 2:2
VIDEOGRAPHER
 56:24 146:16
videos 20:2 113:11
view 125:8 137:1
violate 134:25
violating 46:23
 151:17
violation 11:9 86:6
 88:1 125:13, 24
 129:22 130:4 134:23
 136:7, 8 141:10
 165:6 166:7 168:24
violations 37:1, 5, 9,
 13 129:5 131:12
 135:8
vision 136:25
volume 88:15 124:18
voluntarily 13:11
VOP 156:22
vs 1:5

< W >
wait 8:3 50:20
 127:2 147:1
waiting 59:4
waive 4:16
waived 4:3 49:6, 10
 129:9 135:10
want 7:2, 13 14:24
 15:5 16:4 50:19, 21
 51:13 56:12 64:22
 66:9, 16, 20 68:3, 16
 72:13 88:24 89:3, 23,
 24 90:9 92:13 94:22
 95:9 97:22 101:9, 17
 105:12 150:5 159:23
 166:25 178:1 179:2
wanted 28:5 57:25
 64:18 84:24 96:10
warning 39:5 134:6
warranted 141:11
way 36:7 95:6
 97:18 101:15 132:23
 137:15 156:10
 174:24
Wednesday 118:9
Weh 55:8 134:15, 16,
 19 135:8 138:6, 11,
 14 141:15 151:22, 24
weight 29:15, 19
 155:1
well 7:11, 14 14:13
 16:24 17:5 34:19
 47:7 60:17 61:23
 62:15 64:3 66:3
 77:25 82:3, 14 84:19
 88:13, 14, 16 115:14
 118:22 119:14 120:3
 132:15 133:22
 138:16 147:8 148:5
 166:21 174:1, 6
 177:20
went 80:11, 13
 145:20
we're 7:3 8:5 41:19
 43:4 62:3, 7 68:7
 78:10 89:5 91:4, 18
we've 5:19 51:17
 88:21 122:3 165:4
whatnot 31:20

whatsoever 72:9
 119:17
withdraw 110:15
withdrawn 17:19
 23:18 27:1 32:11
 41:6 42:24 52:17
 59:21 60:9 61:9, 23
 83:17 87:6 106:4
 107:17 113:22
 116:23 123:7 125:11,
 12 126:3 138:12
 154:18 155:21
 158:21 173:11
WITNESS 3:1 4:9,
 13 16:10 17:12 19:8,
 17 20:23 21:4 22:12
 23:24 26:23 29:9
 30:24 31:15 32:20
 33:16 35:19 36:6, 22
 38:3, 16 39:17, 24
 40:8 42:11 44:6
 45:4, 14, 21 46:10, 14
 47:14, 24 48:2, 22
 49:5, 16 51:21 57:1
 59:14 60:2, 13, 22
 61:20 66:5 68:1, 20
 70:8, 24 71:14 72:8,
 22 73:6, 18 74:10
 75:11 77:22 81:11,
 21 84:16 85:15
 86:22 89:16, 19 91:8,
 24 93:19 95:21 96:1,
 6, 12, 15 97:25 98:4
 99:8 100:14, 17, 24
 103:8 104:7 105:20
 106:9, 16 107:1, 22
 108:8 110:13, 20
 111:2, 13 112:14
 116:16 117:16
 120:15 121:1, 12
 123:22 124:1, 6
 125:7, 23 127:14, 23
 130:21 132:22 133:6
 136:4 139:5, 14, 17
 141:3 142:23 143:1
 149:6, 13 154:13, 23
 155:16 156:11 157:5
 159:10 160:5, 12
 161:5, 22 162:4
 163:6, 22 164:2

165:13, 23 166:1
 171:19 173:19 175:1,
 6 176:2, 21 177:11
 179:4 181:1, 19, 20
WITNESSED 182:19
witnesses 19:23 22:5
Word 33:6 62:18, 21
 95:11
words 65:5 174:11
work 14:15, 20 15:7,
 23 16:6, 11 21:22, 24
 22:6, 22 30:20 31:2
 32:2 41:11 42:14
 100:3, 4 118:11
 126:21 147:24 153:8,
 17
worked 6:3 14:17
 30:8 31:18 32:4
 41:12 42:15 126:24
 153:9
working 13:16 14:22
worried 89:2
worries 96:14 141:6
worry 89:2
wound 25:7
Wright 24:16
 139:24 140:15, 16
write 122:15 177:6
write-up 20:18
 134:8 168:5
writing 76:18
written 39:5 99:20
 134:6 174:1, 6, 8
wrong 50:13 125:19
wrote 103:17 145:12
 176:10

< X >
X-Closet 132:5, 18
 137:16
XI 180:15

< Y >
Yeah 31:18, 25 47:3
 50:11 88:23 89:1
 96:3 100:20 127:4
 148:5
year 52:14 54:1, 3
 63:25 64:1 69:22

70:10 93:5
years 6:3 16:2 62:14
Yep 91:3
Yonas 14:1 24:16
 25:8, 13 100:7 102:4
 117:21 139:24
YORK 1:2 2:5
 11:21 12:2 86:6
 125:18 178:16
Younis 3:12 41:11
 42:17 43:1 46:7
 48:16 62:1 63:13
 67:9 69:3 74:5
 109:15 122:16
 157:16
Yu 129:10 132:3
 135:11 137:14 138:8,
 14

< Z >
zero 18:10
Zhang 144:15
zoom 96:22

WORD LIST

< 0 >

0001510 (I)
 0001511 (I)
 0001514 (I)
 0001996 (I)
 0001997 (I)
 000380 (2)
 000420 (2)
 001148 (I)
 001161 (I)
 001486 (I)
 001510 (I)
 001531 (I)
 001576 (I)
 00158 (I)
 001584 (I)
 001595 (I)
 00197 (I)
 00199 (3)
 001994 (I)
 00200 (I)
 01995 (I)
 02131 (I)
 07004 (I)

< 1 >

1 (3)
 1/25/17 (2)
 1/25/2017 (I)
 1/26/17 (I)
 1/8/24 (I)
 10 (I)
 10/18/2017 (I)
 10/23/2016 (I)
 10:14 (I)
 10:19 (I)
 101 (I)
 10119 (I)
 107 (I)
 11/3/2017 (I)
 11:11 (I)
 11:30 (I)
 11477 (I)
 1148 (I)
 1160 (2)
 117 (I)
 1195 (I)

12 (4)

12:30 (I)
 122 (I)
 127 (I)
 139 (I)
 143 (I)
 146 (I)
 1486 (2)
 1494 (I)
 1496 (I)
 1497 (2)
 1498 (I)
 15 (4)
 1510 (2)
 1511 (I)
 1513 (3)
 1514 (2)
 1515 (3)
 1531 (4)
 1532 (I)
 156 (I)
 1576 (5)
 1577 (2)
 1578 (I)
 158 (2)
 1584 (I)
 1589 (2)
 159 (2)
 1590 (I)
 1591 (I)
 1594 (I)
 16 (4)
 1605 (2)
 165 (I)
 167 (I)
 16th (I)
 17 (2)
 1709 (3)
 173 (I)
 177 (I)
 182 (3)
 19 (I)
 19-8927 (I)
 1995 (I)
 1999 (2)
 < 2 >
 2/13/20 (I)
 2/15/17 (I)

2/26/20 (I)

2/4/2017 (I)
 2:20 (I)
 20 (I)
 2002 (I)
 2003 (2)
 2009 (3)
 2011 (3)
 2016 (6)
 2017 (19)
 2022 (2)
 2036 (I)
 2039 (I)
 212-587-0760 (I)
 215 (I)
 24 (5)

< 3 >

3 (I)
 3:58 (I)
 30 (3)
 32 (2)
 35 (I)
 379 (3)
 380 (2)
 381 (2)

< 4 >

4/21 (I)
 4/21/17 (I)
 4/21/2017 (I)
 400 (I)
 420 (6)
 4905 (I)

< 5 >

5 (3)
 51 (I)
 56 (I)
 59 (I)
 59th (17)

< 6 >

6 (I)
 6/16/17 (2)
 6/17[sic] (I)
 6/6/17 (I)
 60/20/20 (4)
 60-day (2)

63141 (I)

64 (I)
 66 (I)
 67 (3)
 69 (I)

< 7 >

7 (2)
 70 (I)
 71 (2)
 72 (I)
 72061886 (4)
 73 (I)
 74 (I)
 78 (3)
 79 (I)

< 8 >

8 (I)
 800 (I)
 817327 (I)
 83 (I)
 89 (I)
 8th (I)
 < 9 >
 9/30/2017 (2)
 90-day (I)
 973-256-9000 (I)

< A >

a.m (3)
 abide (I)
 ability (2)
 able (6)
 Abraham (I)
 absence (I)
 abuse (8)
 abusing (I)
 accommodate (5)
 accommodation (14)
 accommodations (14)
 account (I)
 accurately (I)
 accused (I)
 acknowledge (3)
 acknowledges (I)
 action (16)
 actions (3)

activity (1)	apologies (8)	bag (1)	Cabin (1)
actual (1)	apologize (5)	bags (8)	California (1)
addition (1)	appear (2)	Barbara (15)	call (7)
additional (6)	appears (7)	BARTON (1)	called (2)
address (24)	applicable (1)	based (18)	calls (1)
addressed (3)	application (3)	basically (4)	cameras (1)
addresses (10)	applications (3)	basis (3)	capabilities (1)
adhere (1)	apply (5)	Bated (1)	card (9)
adherence (2)	appropriate (2)	Bates (18)	care (1)
adhering (2)	approval (9)	Bates-stamped (1)	carefully (1)
administered (1)	approved (2)	Bear (3)	Case (8)
administration (1)	approving (1)	Becker (3)	cases (1)
administrational (1)	approximately (2)	beginning (2)	Castellani (9)
administrative (1)	April (1)	behalf (2)	category (1)
admit (3)	archive (3)	belief (1)	Cathy (24)
admitted (6)	Argaden (1)	believe (61)	CC (2)
admittedly (1)	argument (1)	believed (1)	CC'd (1)
admonish (1)	argumentative (2)	bell (1)	CCR (2)
adult (1)	arrangement (1)	benefits (1)	CCR-NJ (1)
advice (2)	asked (19)	best (4)	Centers (3)
advised (3)	asking (24)	BETTY (8)	central (1)
affect (1)	asks (2)	Betty.tierney@macys.c	centrally (1)
afternoon (2)	aspect (1)	om (1)	certain (4)
afterward (1)	aspects (1)	big (4)	certificate (1)
age (1)	Asset (24)	bit (4)	certification (2)
ago (1)	assign (1)	blank (1)	certify (2)
agree (6)	associate (11)	BLM (32)	certifying (1)
agreed (1)	associated (1)	BLOOMINGDALE'S	cetera (1)
agreement (3)	associates (6)	(54)	chain (4)
agrees (1)	assume (3)	blurry (2)	Chanel (50)
ahead (5)	attached (3)	Bobby (4)	Chang (1)
al (1)	attend (4)	Booker (4)	change (15)
allegation (1)	attention (5)	Boston (6)	changed (3)
allegations (4)	attorney (5)	bother (2)	changes (13)
alleged (4)	attorneys (1)	bottom (9)	changing (1)
allowed (15)	audio (3)	bought (1)	charge (4)
alterations (1)	authority (7)	boutique (3)	Chris (12)
Amapara (3)	authorized (1)	branding (1)	Christopher (8)
amount (5)	automatically (1)	break (7)	claim (1)
and/or (2)	available (2)	Brief (4)	claimed (2)
annual (1)	Avenue (1)	bring (4)	clarification (1)
answer (110)	avenues (1)	Broadly (5)	clarify (4)
answered (3)	avoid (5)	Broadway (1)	clarity (1)
answering (1)	aware (34)	Brook (1)	classes (1)
answers (3)		brought (4)	clear (8)
anticipates (1)	< B >	bunch (1)	clearly (1)
anybody (6)	bachelor's (2)	business (3)	client (2)
AP (13)	back (22)		clients (2)
apiece (1)	backwards (1)	< C >	Co-counsel (1)

colleagues (1)	continue (2)	Dear (2)	discrepancy (4)
college (1)	continued (1)	December (3)	discrimination (20)
column (1)	continuing (1)	decided (1)	discriminatory (2)
come (11)	contract (1)	decision (17)	discuss (1)
comes (3)	contradict (1)	decisionmaking (2)	discussed (2)
comfort (1)	contribute (1)	decisions (8)	Discussion (9)
comment (1)	control (4)	declare (1)	discussions (1)
comments (2)	conversation (22)	deem (1)	dismissed (1)
Commission (1)	conversations (13)	Deer (1)	DISTRICT (2)
committed (1)	convicted (1)	defendant (1)	diverter (14)
committing (1)	copy (1)	Defendant(s) (1)	docs (1)
communication (2)	corner (2)	Defendants (4)	document (109)
company (5)	corporate (14)	defense (1)	documentation (4)
company's (4)	correct (64)	degree (6)	documented (3)
competent (1)	CORRECTION (1)	degrees (4)	Documents (20)
complain (1)	correctly (1)	Delaware (1)	doing (7)
complainant (3)	correspond (1)	delineation (1)	door (1)
complained (3)	correspondence (3)	Dennis (5)	dot-dot-dot (1)
complaining (2)	cosmetics (1)	department (37)	due (1)
Complaint (16)	cost (1)	departments (2)	duly (1)
complaints (8)	Costa (1)	depended (1)	duties (3)
completely (4)	COUNSEL (23)	Depending (2)	
compliance (1)	count (3)	depends (1)	< E >
computer (3)	counted (2)	depo (1)	earlier (5)
computer-based (2)	counting (1)	deposition (16)	early (1)
concerned (2)	couple (5)	depositions (1)	eat (1)
concerns (2)	courses (1)	DEREK (2)	economics (1)
concluded (1)	COURT (8)	described (1)	educational (1)
conclusion (2)	coworkers (6)	DESCRIPTION (1)	EEO (1)
condition (3)	created (2)	designation (1)	effect (2)
conditions (4)	credit (7)	detail (2)	eight (1)
Conduct (6)	crime (1)	details (2)	either (9)
conducted (4)	criminal (1)	determination (8)	elaborate (4)
confident (1)	Critical (2)	determinations (1)	Eleanor (2)
confirm (2)	current (4)	determine (1)	eleven (1)
consecutive (2)	currently (1)	Diaz (5)	E-mail (38)
consent (3)	customer (2)	difference (21)	e-mails (3)
consider (4)	customers (4)	differences (1)	employed (4)
considered (2)		different (24)	employee (29)
consisted (1)	< D >	differently (1)	employees (25)
consistent (1)	Dahan (6)	difficult (1)	employee's (4)
constantly (1)	Dan (4)	digitally (1)	employer (3)
consult (7)	dash (1)	direct (4)	employment (7)
consultation (1)	date (14)	directly (4)	encompassed (1)
consulted (2)	dated (7)	director (6)	ended (1)
contact (1)	David (5)	directors (2)	enforced (1)
contacted (3)	day (4)	disciplinary (20)	enforcing (1)
contained (1)	days (5)	discount (17)	ensure (1)
context (1)	day-to-day (6)	discounts (1)	ensuring (2)

entail (2)	exist (2)	Flast (3)	give (12)
entailed (1)	expected (2)	floor (1)	given (14)
enter (1)	expensive (1)	FMLA (11)	glad (1)
environment (4)	experience (1)	focused (2)	glancing (1)
Equifax (1)	Expertise (4)	folder (7)	go (45)
ERRATA (7)	Expires (1)	folders (4)	goes (2)
ESQUIRE (3)	explain (2)	folks (1)	going (67)
essential (1)	explaining (1)	follow (1)	Gonzalez (1)
essentially (2)	explanation (1)	followed (1)	Good (5)
et (2)	expressing (2)	following (1)	gotten (1)
Eunice's (1)	extent (1)	follows (1)	graduate (2)
evade (2)		follow-up (2)	grand (1)
evader (1)	< F >	footage (1)	grant (2)
evading (2)	facilitated (1)	foregoing (3)	Grievance (10)
evasion (17)	fact (5)	forgo (1)	grievances (3)
event (1)	factor (3)	forgot (1)	GROUP (4)
events (1)	facts (1)	form (95)	guess (7)
everybody (1)	failure (2)	format (1)	guidance (4)
evidence (4)	Fair (1)	former (2)	guidelines (1)
exact (3)	Fairfield (1)	forms (1)	guilty (1)
EXAMINATION (4)	fall (4)	forward (2)	guys (1)
examined (1)	fallen (2)	forwarded (1)	
example (2)	familiar (4)	found (1)	< H >
exceed (2)	familiarize (1)	four (3)	half (1)
exceeded (6)	family (5)	fraud (10)	Hampshire (10)
exceeding (5)	far (2)	fraudulent (1)	Handbag (35)
exceptions (1)	fax (1)	Fred (4)	Handbags (32)
excerpt (2)	FBI (3)	frequency (2)	handbook (22)
exchange (2)	February (1)	frequent (1)	handle (6)
excuse (3)	federal (1)	friends (4)	handled (4)
excused (1)	fee (2)	front (8)	handling (3)
executive (3)	feel (4)	Fulford (2)	happen (1)
executives (6)	fell (4)	full (1)	happened (5)
exhibit (10)	fellow (1)	fully (2)	happening (3)
Exhibit-1 (1)	felt (1)	functions (2)	happy (3)
Exhibit-A (4)	file (2)	further (9)	harassment (4)
Exhibit-B (7)	filed (2)	FYI (2)	Harris (1)
Exhibit-C (3)	files (5)		hash (1)
Exhibit-D (4)	filing (2)	< G >	head (13)
Exhibit-E (8)	filling (2)	gaps (1)	hear (2)
Exhibit-F (6)	financially (1)	gender (1)	heard (3)
Exhibit-G (4)	find (4)	general (5)	hearing (1)
Exhibit-H (4)	findings (5)	generally (2)	held (8)
Exhibit-I (4)	fine (5)	GERBER (15)	help (1)
Exhibit-J (2)	fire (5)	getting (3)	Hey (4)
Exhibit-K (4)	fired (5)	gift (3)	Hi (3)
Exhibit-L (3)	firing (3)	gifts (2)	high (4)
Exhibit-M (2)	first (28)	GILMAN (1)	high-end (1)
EXHIBITS (3)	five (5)	girl (1)	hire (4)

history (1)	interactions (4)	knew (6)	list (1)
HOC (2)	interest (1)	knocking (1)	little (6)
Hoelz (7)	interested (3)	know (111)	live (2)
hold (1)	interesting (1)	knowing (3)	LLP (1)
home (2)	interim (3)	knowledge (17)	load (1)
honest (1)	intermittent (3)	known (6)	locate (1)
honor (1)	interpret (2)	Kotsovolos (1)	location (8)
hope (1)	interpretation (2)	KRISTINA (90)	locations (2)
hopefully (1)	interpreted (1)	Kristina's (21)	Long (7)
hostile (3)	interview (9)		longer (1)
hostile-type (1)	interviewed (3)	< L >	look (48)
hour (2)	introduce (3)	Labor (4)	looked (5)
hours (2)	introduced (1)	lactation (1)	looking (24)
housed (1)	introducing (1)	Lai (6)	looks (1)
HR (34)	invest (1)	language (1)	loop (2)
human (12)	investigate (8)	large (1)	loss (1)
	investigated (2)	laugh (1)	lot (1)
< I >	investigating (2)	LAW (28)	loud (1)
icon (1)	investigation (49)	laws (1)	Louis (1)
ID (1)	investigations (12)	lawsuits (1)	lower (1)
identification (13)	Investigative (1)	lawyer (1)	lunch (4)
illegal (1)	investigator (1)	lawyers (1)	luxury (1)
imaging (2)	investigators (1)	leadership (1)	
immediate (1)	involve (1)	learn (1)	< M >
immediately (2)	involved (12)	learned (1)	MACY'S (11)
impair (2)	involvement (5)	leased (2)	
important (1)	involves (1)	leave (11)	Macy's/Bloomingdale's
improperly (1)	Island (1)	Lee (1)	(1)
Inappropriate (3)	issue (1)	left (1)	main (1)
incidents (1)	items (17)	legal (1)	maintain (1)
included (1)	its (2)	lend (1)	making (10)
including (1)		letter (5)	management (12)
indicate (3)	< J >	lettering (1)	manager (15)
indicating (2)	January (1)	letters (3)	managers (6)
individual (4)	Jersey (2)	level (3)	Manchester (2)
individuals (14)	job (6)	License (1)	Margaret (2)
informal (1)	jobs (1)	lieu (1)	marital (1)
information (24)	judge (1)	lift (2)	marked (14)
informed (6)	judgment (1)	Lily (3)	Martha (11)
IN-HOUSE (1)	June (12)	limit (35)	Massachusetts (4)
Initially (4)	jury (2)	limitations (1)	masters (1)
initiated (1)		limited (1)	master's (4)
input (3)	< K >	limits (36)	matter (5)
inquiring (1)	Kavanagh (3)	line (5)	matters (1)
instance (10)	keep (7)	lines (2)	max (1)
instances (3)	keeping (1)	link (1)	maximum (3)
INSTRUCTIONS (1)	Kemi (1)	linked (1)	mean (20)
inter (1)	kept (2)	liquidate (1)	means (3)
interaction (3)	kind (2)	liquidation (13)	meant (4)

medical (17)	need (11)	old (3)	pass (1)
medication (2)	needed (8)	Olde (1)	Passaic (1)
meet (2)	needs (1)	once (4)	passed (1)
meeting (6)	neither (2)	once-a-year (1)	pay (3)
meetings (2)	Nevada (1)	one-day (1)	paying (1)
MELISSA (11)	never (7)	one-off (1)	payment (1)
Melissa@dereksmithla	NEW (23)	ones (3)	payments (1)
w.com (1)	night (1)	one's (1)	penalty (1)
members (1)	Nikola (1)	online (1)	pending (1)
MEMO (3)	Nikolakopoulos (2)	open (3)	Penn (1)
memory (1)	Nikolakopulo (1)	opening (1)	pennies (1)
MENDOZA (255)	nine (1)	operational (1)	Pennsylvania (1)
mental (1)	Niski (1)	operations (2)	people (6)
mention (4)	NJ (1)	opinion (3)	PeopleSoft (1)
mentioned (6)	nodding (1)	order (5)	perceived (1)
mentioning (3)	non-icon (1)	organization (1)	percent (1)
merchandise (8)	normal (2)	orientation (1)	perform (2)
message (4)	normally (2)	original (1)	performance (14)
messages (4)	Notary (3)	Orya (1)	performances (1)
met (1)	Note (2)	outcome (4)	period (6)
Michelle (6)	noted (3)	Outlook (4)	perjury (1)
Microsoft (4)	notes (5)	out-of-state (1)	person (14)
MIKHAYLOVA (34)	notice (2)	outright (1)	Personal (8)
Mikhaylova's (1)	notification (1)	overall (1)	personally (4)
mind (5)	notified (2)	oversee (1)	person's (1)
mine (1)	November (1)	overseeing (2)	pertaining (2)
minor (1)	number (18)	owned (1)	ph (2)
minutes (2)	numbering (1)	owner (1)	phone (5)
misrepresent (1)	numbers (6)		physical (6)
MLOA (3)	numerous (6)	< P >	physically (2)
MO (1)	NY (1)	P&P (1)	pickup (1)
moment (13)		p.m (3)	pieces (2)
moments (1)	< O >	PAGE (45)	place (2)
Monday (2)	oath (2)	pages (10)	placed (2)
monitor (1)	object (85)	pairs (1)	places (2)
month (2)	objecting (1)	paperwork (3)	Plaintiff (8)
monthly (2)	Objection (31)	paragraph (8)	Plaintiff's (15)
morning (3)	objections (7)	Paralegal (1)	planning (1)
move (2)	obviously (1)	Park (1)	played (2)
multiple (2)	occasions (2)	part (14)	Plaza (1)
	Octoberish (1)	PARTICIPANTS (1)	please (19)
< N >	offer (1)	participating (1)	pled (1)
name (16)	office (5)	particular (7)	PLLC (1)
name/address (2)	OfficeMax (2)	particularly (1)	point (9)
named (1)	officers (1)	parties (3)	pointed (1)
names (5)	official (2)	partner (3)	policies (17)
nature (4)	Oh (10)	partnered (1)	Policy (92)
NCRA (1)	ok (1)	partnering (1)	popped (1)
necessarily (16)	okay (558)	party (2)	portion (3)

position (19)	provides (1)	recess (5)	represented (1)
possible (10)	Public (3)	recipient (1)	Representing (4)
Possibly (7)	pull (8)	recipients (1)	reprimanded (1)
potential (4)	pulled (1)	recognize (2)	reproduction (1)
potentially (2)	purchase (26)	recollection (16)	REQUEST (12)
preceding (2)	purchased (18)	recommend (2)	requested (1)
prefer (1)	purchases (22)	Recommendations (1)	requesting (1)
pregnancy (20)	purchasing (4)	record (11)	requests (4)
pregnant (10)	purge (2)	recorded (1)	require (2)
premise (1)	purpose (2)	recording (1)	requirement (1)
prepare (1)	purposes (4)	recordings (1)	requirements (1)
presale (1)	purview (1)	records (2)	reseller (4)
prescription (2)	put (6)	recruiting (2)	reselling (1)
PRESENT (4)	putting (1)	reference (4)	reserve (2)
presented (2)		references (1)	reserved (1)
preserve (1)	< Q >	referred (1)	resigned (1)
president (1)	quantities (1)	referring (22)	resolved (1)
prevent (1)	quantity (1)	refresh (11)	resources (12)
prevention (1)	question (49)	refreshed (4)	respect (3)
previous (1)	questioning (1)	refreshing (2)	respond (5)
previously (4)	questions (32)	regard (5)	responding (1)
primarily (2)	quick (4)	regarding (23)	response (8)
printout (1)	quicker (1)	regardless (3)	responses (2)
prior (6)	quickly (1)	regards (4)	responsibilities (3)
PRO (2)	quite (3)	regular (1)	responsibility (2)
Probably (20)	quote-unquote (3)	related (11)	responsible (4)
problem (3)		relating (2)	rest (5)
problems (1)	< R >	relations (1)	restate (1)
procedure (6)	rating (3)	relationship (2)	restricted (1)
procedures (2)	Raul (1)	relative (1)	restriction (1)
proceed (2)	Ray (1)	relevance (1)	restrictions (1)
proceeding (2)	reach (1)	religion (1)	restroom (3)
proceedings (1)	reached (2)	remember (9)	result (1)
process (4)	reaching (1)	REMOTE (2)	retained (3)
produced (2)	read (31)	remotely (1)	retaliation (8)
product (9)	reading (3)	rep (3)	retaliatory (2)
PRODUCTION (2)	reads (1)	repeat (3)	retention (10)
program (3)	ready (5)	repeating (1)	retired (1)
programs (1)	real (1)	rephrase (7)	return (2)
progressive (4)	really (5)	rephrasing (1)	review (12)
project (1)	reason (5)	replaced (1)	reviewed (6)
proof (2)	reasons (1)	report (9)	reviewing (29)
propounded (1)	recall (196)	reported (3)	reviews (4)
protected (1)	receipt (4)	REPORTER (6)	Key (3)
Protection (24)	receipts (10)	reporting (2)	Rich (1)
proven (1)	receive (7)	repository (1)	RICHARD (44)
provide (1)	received (5)	represent (1)	right (97)
provided (6)	receiver (2)	representation (1)	right-hand (1)
provider (1)	receiving (2)	Representative (2)	ring (1)

ringing (1)	sends (2)	software (6)	string (1)
Road (1)	senior (9)	sold (2)	strong (1)
Roberts (2)	sense (6)	solely (2)	subject (6)
Robin (2)	sent (23)	somebody (5)	subjected (1)
role (2)	sentence (3)	sorry (28)	submit (2)
Ronquillo (6)	separate (7)	sort (5)	submitted (1)
room (2)	separated (1)	Sounds (6)	submitting (2)
Rose (12)	Separately (1)	South (1)	subsequently (1)
rotate (1)	services (2)	SOUTHERN (1)	substance (2)
round (1)	setting (4)	space (2)	substantiate (2)
RPR (3)	seven (5)	speak (6)	succession (1)
rules (2)	seventh (1)	speaking (11)	suffer (1)
rung (1)	severely (1)	special (2)	sufficient (2)
< S >	sex (1)	specific (21)	suggest (1)
sale (25)	sexual (4)	specifically (65)	Suite (3)
Salem (1)	Sgerber@bglaw.com	specifics (2)	Summaries (1)
sales (11)	(1)	speculate (1)	summary (4)
salon (2)	share (1)	split (1)	Sunday (1)
Sanela (2)	Shaw (3)	spoke (6)	supervise (1)
Sarah (3)	Shawn (4)	spoken (2)	supervising (1)
satisfactorily (1)	SHEET (7)	spreadsheet (1)	supervision (1)
satisfactory (1)	shift (1)	St (1)	supervisor (6)
satisfy (1)	ship (4)	staff (3)	supervisors (1)
save (5)	shipped (14)	stamp (9)	support (2)
saved (1)	shipping (17)	stamped (5)	supporting (1)
saving (1)	shoe (6)	Standards (1)	suppose (2)
saw (3)	shoes (10)	stands (1)	supposed (7)
saying (19)	shoot (1)	start (5)	Sure (13)
says (74)	short (3)	started (4)	Susan (4)
school (4)	show (5)	state (27)	suspect (3)
screen (15)	showed (3)	stated (12)	suspend (2)
scroll (3)	showing (4)	statement (13)	suspended (9)
sealing (1)	shown (18)	statements (1)	suspension (15)
second (9)	side (1)	STATES (8)	suspensions (1)
section (3)	sign (4)	stating (4)	suspicion (1)
see (67)	signature (3)	status (2)	suspicious (1)
seeing (16)	signed (1)	stellar (1)	sworn (1)
seek (1)	significant (2)	stenographic (1)	system (4)
seeking (1)	signing (1)	step (1)	< T >
seen (15)	Simultaneous (1)	steps (3)	take (30)
selection (1)	single (2)	Steve (6)	taken (11)
self (1)	singled (2)	STEVEN (2)	takes (1)
sell (2)	sit (3)	Stony (1)	talent (2)
seller (2)	situation (7)	stop (1)	talk (9)
selling (3)	situations (4)	store (10)	talked (2)
send (9)	six (2)	stored (4)	talking (10)
sender (4)	slow (2)	Stores (1)	talks (1)
sending (16)	smaller (1)	Street (17)	TALX (1)
	SMITH (2)	stricter (1)	

tax (27)	tracked (2)	unrelated (1)	way (8)
taxes (11)	traffic (1)	unsatisfactory (1)	Wednesday (1)
team (6)	trained (1)	unusual (4)	Weh (11)
Tech (1)	training (7)	update (4)	weight (3)
tell (12)	transaction (16)	updated (1)	well (32)
telling (9)	transactions (12)	upload (3)	went (3)
ten (1)	transcribed (1)	UPS (2)	we're (11)
tender (1)	Transcript (11)	use (7)	we've (5)
tenure (2)	transcription (1)	usually (2)	whatnot (1)
term (3)	transcripts (3)		whatsoever (2)
termed (2)	transition (1)	< V >	withdraw (1)
terminate (18)	treatment (2)	vacation (1)	withdrawn (26)
terminated (16)	trial (1)	vaguely (1)	WITNESS (144)
terminating (1)	tried (1)	Valecca (1)	WITNESSED (1)
termination (21)	Trinity (4)	Vance (2)	witnesses (2)
terminations (2)	trouble (1)	Various (7)	Word (5)
terming (1)	true (4)	vendors (2)	words (2)
terms (9)	truthful (1)	verbal (5)	work (23)
testified (5)	truthfully (2)	verbally (1)	worked (9)
testify (1)	try (2)	versed (1)	working (2)
testimony (6)	trying (7)	version (1)	worried (1)
Text (8)	turn (2)	versus (4)	worries (2)
Thank (19)	twelve (1)	vice (1)	worry (1)
Thanks (1)	two (21)	Victoria (2)	wound (1)
theft (3)	two-day (1)	Video (10)	Wright (4)
Theodora (2)	Tyler (14)	videoconference (3)	write (2)
thing (3)	Tyler's (2)	VIDEOGRAPHER	write-up (3)
things (10)	Tyndall (1)	(2)	writing (1)
think (49)	type (7)	videos (2)	written (6)
third (2)	types (6)	view (2)	wrong (2)
thirteenth (1)	typically (10)	violate (1)	wrote (3)
thought (3)		violating (2)	
three (9)	< U >	violation (14)	< X >
Thursday (3)	Uber (1)	violations (7)	X-Closet (3)
TIERNEY (197)	UCM (1)	vision (1)	XI (1)
time (42)	Uh-huh (9)	volume (2)	
timeframe (6)	Ulanda (3)	voluntarily (1)	< Y >
times (10)	ultimately (2)	VOP (1)	Yeah (10)
Tinbite (23)	Um (5)	vs (1)	year (8)
title (7)	understand (16)		years (3)
today (9)	understanding (5)	< W >	Yep (1)
today's (3)	understands (1)	wait (4)	Yonas (8)
told (18)	Understood (2)	waiting (1)	YORK (7)
tolerance (1)	Unemployment (2)	waive (1)	Younis (14)
tomorrow (1)	unintelligible (1)	waived (5)	Yu (14)
top (25)	union (8)	want (33)	
topic (1)	UNITED (1)	wanted (5)	< Z >
total (1)	units (1)	warning (2)	zero (1)
track (4)	university (1)	warranted (1)	Zhang (1)

zoom (1)